

CC 3827
10 16 06

Council Proceedings of the City of Shreveport, Louisiana
October 10, 2006

The regular meeting of the City Council of the City of Shreveport, State of Louisiana was called to order by Chairman Jeffery A. Hogan at 3:03 p.m., Tuesday, October 10, 2006, in the Government Chambers in Government Plaza (505 Travis Street).

Councilman Hogan: I'm going to do something a little different today. I'm going to ask for a volunteer, if anyone would like to give the invocation for us. Do I have any volunteers?

Councilman Lester: Yeah, I'll pray.

Invocation was given by Councilman Lester.

The Pledge of Allegiance was led by Councilman Green.

On Roll Call, the following members were Present: Councilmen Lester, Walford, Carmody (Arrived at 3:20 p.m.), Robertson, Green, Hogan and Jackson. 7. Absent: None.

Mr. Thompson: Mr. Chairman, Mr. Carmody called, he has been delayed, but he expects to be here momentarily.

Councilman Hogan: On the approval of the minutes, we have amendments Mr. Thompson? We have two amendments or one?

Mr. Thompson: We have two amendments, but you might want to do the regular approvals first, and then we can do the amendments.

Motion by Councilman Green, seconded by Councilman Hogan to approve the minutes of the Administrative Conference, Monday September 25, 2006 and Council Meeting, Tuesday, September 26, 2006. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Robertson, Green, Hogan, and Jackson. 6. Nays: None. Out of the Chamber: Councilman Carmody. 1.

Councilman Hogan: We need a motion on the amendment to the minutes?

Mr. Thompson: That's to the September 12th minutes Mr. Chairman. We did not publish an ordinance as amended, we published it before it was amended, but not as amended, and this would correct that error.

Councilman Hogan: The amendment for the September 12th meeting then. Do I hear a motion?

Amendment No. 1 to the September 12, 2006,

Amend the September 12, 2006 minutes relative to Ordinance No. 123 of 2006, as follows:

On Page 12B, Column 5, relative to Ordinance No. 123 of 2006, Delete the ordinance as advertised (the ordinance, before it was amended) and advertise the ordinance as amended (the amended ordinance is printed at the end of these published minutes)

Motion by Councilman Walford, seconded by Councilman Green to approve Amendment No. 1 to Council Proceedings, September 12, 2006. Motion approved by the following

**vote: Ayes: Councilmen Lester, Walford, Robertson, Green, Hogan, and Jackson. 6.
Nays: None. Out of the Chamber: Councilman Carmody. 1.**

Amendment No. 1 to the September 26, 2006, City Council Minutes.

Amend the September 26, 2006 minutes as follows:

Amendment No. 1 to Ordinance No. 139 of 2006 and Amendment No. 2 to Ordinance No. 153 were inadvertently omitted under "Adopted Ordinances and Amendments," as published on October 2, 2006 in the Official Journal.

Insert Amendment No. 1 to Ordinance 139 of 2006 and Amendment No. 2 to Ordinance 153 of 2006 in the September 26, 2006, minutes in the 2006 "Council Book," and to the City Council Meeting Minutes as published on the City of Shreveport/ Council Web Page.

**Motion by Councilman Jackson, seconded by Councilman Green to approve Amendment No. 1 to Council Proceedings, September 26, 2006. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Robertson, Green, Hogan, and Jackson. 6.
Nays: None. Out of the Chamber: Councilman Carmody. 1.**

Awards, Recognition of Distinguished Guests, and Communications of the Mayor which are required by law.

Councilman Hogan: Mr. Mayor, do you have anything for us?

Mayor Hightower: Nothing today Mr. Chairman.

Councilman Hogan: Does any Council Member have any distinguished guests?

Councilwoman Robertson: I don't have any in the Chambers today, but we have a lot of distinguished guests that are down at the Revel, a lot of the vendors come in and all, and I'd like to welcome them to Shreveport, and all the family members that they brought with them.

Councilman Hogan: Mr. Antee, welcome to the meeting, you're just in time to give us the report on Convention Center, and Convention Center Hotel.

Reports:

Convention Center and Convention Center Hotel (To include detailed personnel report from SMG)

Mr. Antee: I gave it yesterday, I know Mr. Tommy Clark is - - - I don't see him in here, but he's coming. And I think he may have a guest with him from Kansas City. So when he gets here, if you don't mind, maybe we can come back to it. I know they were both present at the meeting at 1:30 this afternoon.

Councilman Hogan: Alright. As I recall, you did talk about it yesterday at our Work session. Does any Council Member have any questions other than related to Mr. Clark or Mr. Antee? If not - - -

Councilman Jackson: Mr. Chairman, I want to know how far are we on - - - this says Convention Center and Convention Center Hotel, so how far are we on full completion of the Convention Center, is the first question, and I have just one following question Mr. Chairman.

Mr. Antee: We're probably 99 and ½ %. I think there are a few punch list items that are still out there that they're wrapping up on, but we're basically complete.

Motion by Councilman Green, seconded by Councilman Hogan to add Resolution No. 163 of 2006 and Ordinance No. 181 of 2006 to the agenda. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Robertson, Hogan, Green, and Jackson. 6. Nays: None. Out of the Chamber: Councilman Carmody. 1.

Councilman Green: We have a distinguished guest just walked in the Chamber, Commissioner Joyce Bowman.

Councilman Hogan: Welcome to the meeting Commissioner Bowman. There she is back there in the Chamber. Perhaps soon to be Councilman Elect Bowman.

Public Comments (*Agenda Items to be Adopted*)

Mr. Russell Wray: (327 North Blvd, Baton Rouge, LA) I'm here today representing Blount Brothers on Item No. 124, pertaining to North Hearne property. We're back here today after remand to the MPC. The MPC took this matter up, and unanimously approved Blount's application for R-A-E zoning. The application was narrowest at the front 500 feet of property, and other stipulations were entered into with the MPC, including a 10 year sunset also limited use times during the day, during the week. And in addition, Blount Brothers in accordance with the stipulations with the MPC have submitted a rather extensive landscape plan to meet the objection about the view of the property to the motorists that drive by. We've been here before, and I don't want to belabor these points. I do want to make a couple of comments. First, the rock crusher at this location as I've said before is not a landfill operation. This is not the same circumstance that involved the Harrelson matter whatsoever. Totally different deal entirely. The church that is opposing and has raised the appeal from the MPC putting aside their (inaudible) the time being, I moved into this location years after the rock crusher was already there and in existence. In fact, Blount even supplied the church with equipment and manpower to move some of their concrete at that time, quite a number of years ago. The church also originally opposed the Harrelson matter, but then withdrew the complaint to the Harrelson matter and there was a letter to that affect that I've place into the record of Ms. Harris to the Planning Commission. The other comment I'd like to make is that, it's not just the residents, and the businesses of the City of Shreveport that benefit, it's also the City of Shreveport. The City of Shreveport has been supplying materials for crushing at this site for all these years. In the record below, which is now before you today, you'll find photographs of trucks that were delivering materials from the City directly to Mr. Blount's crusher and have been doing so for quite some time. This rock crusher operation was used for the Shreveport Festival Park, I believe where the event is going on today. And that was quite some number of years ago, back in the late 90s. Otherwise, since you've all heard me before, I'll ask you if you have any questions, otherwise we won't take anymore of your time.

Ms. Pearlie Ansley: (6706 Sagewind Drive) I'm here again to speak in opposition to the home base business for Mrs. Nunley at 4103 Santa Monica. I should say, the home base business from the detached building. And I'm here to ask the Council to reverse the ZBA's decision to allow Mrs. Nunley to operate her home based business from a detached building in her back yard, some 35-40 feet away from her home. I believe that the ZBA's decision should be reversed for the following reasons: Deception, and dishonesty regarding this business. It's just as prevalent today as it was in 2003. When it was first, when application was first made.

Mrs. Nunley's application filed in 2003 was the result of a complaint. In 2003, her expanded home occupation title was listed as a Bridal Consultant. In her 2006 application, she is listed as a Wedding Event Planner. This is significant in that there is a difference between a Bridal Consultant and a Wedding/Event Planner. A Bridal Consultant has expertise in only one area, such as flowers or gowns, or tuxedos. A Wedding Planner has expertise in all areas necessary for a wedding. They coordinate the overall wedding planning. Rehearsal, ceremony, and reception. Therefore a wedding planner would not need 786 square feet of space in order to operate a successful business. An advertisement in the *Real Yellow Pages* list Bridal Gifts, Tuxedos, Invitations, 20-40% off. This suggest sales. Surely, Mrs. Nunley was aware that our homes and covenants require 75% of the residents signature in order to change them. It is a contract for which she has no regard. This business does not satisfy the City's intent for a home based business. It is not incidental to the use of the dwelling as a residence. That's not possible if the business is conducted outside of the home and not under the roof. It is clearly visible from both Santa Monica and Santa Monica Court. There is not driveway from the street to the building or garage as it may be called. It is not compatible with residential use. We do not have other businesses operating outside of the dwelling in this neighborhood. Again, the need for 786 square feet of space suggest that the building is not limited in a (inaudible). And I would like to add to that, that within Mrs. Nunley's application I believe that you have had an opportunity to look at these pictures that were submitted and as they say, a picture is worth a thousand words. You can clearly look at these pictures, and see that there is no driveway leading to this building that was referred to as a garage. And also, I believe that you will be able to look at that the part of the application that list these advertisements are from the *Yellow Pages*. And finally, I would like to say that I respect the judgement of this Body, and believe that you can see clearly that this is not in the best interest of this neighborhood. We all know even though we may not be in the field of real estate or real estate appraisal. We know that a business does nothing to promote the integrity, safety of a neighborhood. On the contrary. Any real estate person would not attempt to sell real estate by telling us that you're going to have a business next door to you. It would not. And I believe firmly that within the City's regulations for a home based business, they have already provided for compromise by saying that you may operate your business under the roof, and not from a detached building. They have already made it possible. And I think that the compromise is already there, and the only thing that is necessary is for the members of this community to live by those regulations. And here again, Mrs. Nunley is able to operate her business from under her roof. There is nothing that we can or want to do about that. But we don't feel that we should be the ones to bend over backwards all the way in order to satisfy one individual when it is clear that the majority of the members of this community do not wish to have a business within their neighborhood. Thank you.

Mr. Henry Price: (6640 Santa Monica Drive) I come before you today, and I've been here before asking you to seriously consider reversing the decision by the MPC. We know that each case if viewed separately. Each case that comes before you is viewed as a separate entity, but I find it rather difficult to believe that having a case approved on the one hand would not have some bearing on other cases to follow. It's pure logic in my opinion. As some of you are coming to the close of your terms, as members of this Body, I would ask you to seriously review what is written, what is in stone as it relates to businesses within a neighborhood. We're not opposed to individuals having businesses within their homes. That is a part of the law. That is a part of what we expect from neighbors in neighborhoods. But by the same token, we're asking that any detached business should not be a part of the neighborhood in which we reside. The

neighbors are for the most part, adamantly opposed to it. You've heard us come before you before. And I would ask you today to reverse the decision that was made by MPC. Thank you.

Ms. Gwen Phelps: (6635 Santa Monica) I am a resident of Western Hills Estate neighborhood. It has been stated that Special Exception and Use is the way of the future and is being granted all over town. So, we presented a few questions to the ZBA on how it is being granted all over town. We asked how many special exceptions and uses have been granted in the past five years. The number that we were given was 27. Which represented about 5 ½ per year for the last five years. The numbers for the past three years is 4.1, and over the last year, three were granted. These numbers do not represent an increase, they actually represent a decline. We narrowed our scope and we took a closer look at the eight cases for 2005 and 2006 that were granted. Of those eight cases, six had no opposition present. Two of the cases had opposition, one case had one person speak in opposition, and one person speak in support. One case had two people to speak in opposition. Upon further review of those two cases that had the opposition, neither, and I repeat, neither had a petition or covenant references in the case file. Little or no opposition is what we found. Mostly no opposition. That is not what you have here before you today. We, the neighbors and residents of Western Hills Estate bring overwhelming opposition, and I would like for those who are here in opposition to stand. Our opposition comes in the form of petitions with signatures of the majority of the residents. Through continued presence of the residents at this forum, although this case has been postponed on two previous meeting dates. And through the letters, notes, and emails that I know that you all have gotten. Therefore, we the residents of Western Hills Estate neighborhood ask you to overturn the ZBA to allow Western Hills Estates to remain one of those neighborhoods, like Long Lake, Twelve Oaks, Brunswick, and the Haven who do not have a business operating in any detached building whether it is called a storage house, a garage, or an accessory building. Thank you.

Ms. Madeline Bowie: (4105 Santa Monica Pl) I have in my hand a copy of City ordinance that governs home occupancy. Section 106-1124. We can all agree that these ordinances were written to protect the integrity of our neighborhood. In fact, it states that the need to protect the integrity district is its primary concern. Simply, we are here today because the applicant had requested, although for the third time, an exception for one or more of the requirements that govern home occupancy. Our argument is this. This special exception and use is not in line with the intent of the ordinance. Special exception and use applies when the applicant does not meet any one of the strict requirements. There are 14 criteria here. This request is in direct violation of the very first and most important criteria of home based occupancy. It shall be conducted within a dwelling unit, and shall be clearly incidental to the use of the structure. The structure is clearly not incidental. If granted, over 50% of the building could be used for commercial activities. To grant this very special exception and use is to defy the ordinance. The very thing that makes home based business work in neighborhoods is that home based should be invisible to the public. That building is anything but invisible. The applicant has done a good job making it visible by placing it over 50 feet beside her primary residence. I often get a lot of questions about what it is. According to the ordinance, special exception should only be granted if it is in line with the intent of this ordinance. The intent as described by the ordinance states that the City of Shreveport recognizes the need for some citizens to use their place of residence for limited non-residential activities. You would be hard pressed to find any need in this application. All it is is wants, and desires. The applicant herself has boasted at ZBA meetings saying that she wants her privacy for her family, and it was her plans all the long to construct a building for this use. And that she would deceive us and not tell

the neighbors her business. So, she misstates that she had operated without complaints when in fact, in the spirit of compromise and trying to be good neighbors, we have not made any formal complaints that when there were clients passed 9:00 or there was more than one UPS truck. My question to you today is why do the wants and desires of one supersede the protection and integrity of our residential neighborhood? We have been fighting this now for four years. We don't have home based businesses in detached buildings in our neighborhood, and we don't want it, for we know it is a Pandora's Box, and stipulations will not nullify that this is and looks like a small business. There are to be no (inaudible) at this location. How is the ZBA going to enforce this? They only have three people on their staff to investigate complaints. It is not fair to the neighborhood to intentionally set us up to spend numerous hours trying to enforce this. And we ask overwhelmingly not up front, to not allow this. Besides, what she's asking for is inconsistent with the Wedding Consultant Industry in Shreveport. We did our own survey using the telephone book as our reference. Out of the seven wedding planners and consultants listed in the book, three have (inaudible) property location. Two were out of business and one operates outside the confines - - - one operates inside the confines of their own home. Not one operates out of a detached building at their residency. What can a neighborhood do to ensure that this does not come to pass? Have we not done our part by providing you letters and petitions of overwhelming opposition? Not one of her neighbors that reside in the cul-de-sac is in favor of this. We the residents of Western Hills Estate, not any residents of Broadmoor, Fairfield, or South Lake Estates, or any other neighborhood are going to be the one that have to live with the consequences of this decision. Do not change what is working to just appease one. This special exception and use is in direct violation of the ordinance as it stands today. Let's stand by the ordinance and what is good for the neighborhood. Please vote to overturn the ZBA decision, and disallow this special exception and use. Thank you.

Mr. Raymond Hill: (4101 Santa Monica Ct) I'm neighbor to the applicant, and I'm also President of the Western Hills Estate Homeowners Association. I think y'all have heard overwhelmingly the amount of opposition to the applicant's exception and special use outside of her residence. The thing that concerns me most about the ZBA's decision to approve this is, this is contrary to everything that I know as far as the form of government. The government which in our democratic society that we hold so precious. And that's government of the people, for the people. And 75% of those that were petitioned when the petition was presented at the ZBA's hearing was in opposition for the special use or exception. This petition is our referendum, it is our ballot, it is our vote. We cannot allow the ZBA to become a dictator putting the risk of many for the self serving interest of one. Your decision today, you must remember those words, 'we, the people,' and we the people have spoken overwhelmingly by our petitions. Any vote other than to overturn the ZBA would make a mockery out of those hallowed words, 'we, the people.' Any vote today other than to overturn is a desecration to the constitution, and trample on our democracy as we the people have stated, what we would like to have in our neighborhood. Thank you.

Mr. Donald Phelps: (6635 Santa Monica) I am here to speak in opposition to this. I believe that the ZBA's decision should be overturned. This is the third time I believe that this has come up, and on the first occasion, Mr. Nunley stated that he along with some other residents in the neighborhood formed an organization. I was one of those residents who helped form the organization. The organization was founded on upholding the covenant as it was written. One of the primary things in that covenant was businesses in detached structures. Also, I have heard people say that the residents have some sort of personal vendetta against Mrs. Nunley, I can

personally say that I helped Mrs. Nunley design and print her first business cards. I am in no way opposed to Mrs. Nunley doing business, however, I think all of us know that any commercial enterprise and especially a retail enterprise, which this appears to be no matter you call it, is in direct opposition to a harmonious residential area. I would ask that each of you consider this strongly and look at the position of the neighbors and overturn the ZBA's decision. Thank you.

Mrs. Carol Nunley: (4103 Santa Monica Ct) I, as they've said before, am coming before you again with these issues, and I apologize, and thank you all for your time. But this is important to me. The application for special exception use or variance on the above reference was granted August 9, 2006, 4-2 by the ZBA. And it allows me to operate out of my existing detached accessory building located in the rear of our yard, which I think you guys have information at your hand concerning pictures, location, and the plan. They did grant me the one year period, and the parking, and allowed me the site plan as far as my sale or my order of my items. And I've had my home based business for six years without any complaint from the ZBA. Granted there have been complaints from neighbor since I filed my application. My application was filed in order for me to use the building. Not because there was complaints, the complaints came later. The operation of the building, be mindful that my family and I, we value our property and our neighborhood. By no means are we trying to tear down what has already been established in the 18 years that we've been there. Again, I've been in business for six years. I was in business for two and a half years before our neighbors came. And my husband started the first neighborhood association in Western Hills Estate. And he was the first president for 10 years, up until two years ago due to all of these oppositions. And I would like for you all to please uphold the ZBA's findings or decision for me to use that detached building as my office. I am not planning on going out there in that building for every appointment I may have, because my clients come to my front door initially, and that's where they will be greeted. And if need be, I would like to have that opportunity to go out to that building if I need the space. Keep in mind, my business is Spring and Summer. That's the bulk of it. And at that time, it is real business. I am a nurse, I've been a nurse for 27 years, a registered nurse. I work in Emergency Medicine at one of our local hospitals. And I only have two weekends out of a month to do Wedding Event Planning. The name of my company is Circle of Love, L.L.C. As working every other weekend, 12 hour shifts, during the weekdays, I'm only asking for basically Wednesday and Thursday in seeing clients if I have to. When I have an event or wedding, I go to that person. If that person needs to come to me as in discussing whatever we have agreed on, I would like to have that opportunity, whether it's ordering invitations or whether it's ordering bridal gifts. I want that area as an office, which includes a computer, a desk, phone/fax, my catalogues. And that's all. Like I say, my clients will be coming to my front door, whether it's to drop off paper. And too, I do have orders that include FedEx or UPS, and not all the time, those items are coming to my address. Keep in mind, I do have personal orders that would be involved with FedEx or UPS. And when these items are dropped shipped to my customers, as need be, and if those items need to be reordered, I would like for those items to come to me before going to that customer again. To make sure that that item is correct. My neighbors are concerned about the expansion of my business. I am not trying to expand. All I really want is an office to do the business as need be. They are concerned about in the past rezoning of the area. That's what they told the other neighbors, and that is not true. The area is not being rezoned. Like I say, we've been there for 18 years, and we don't plan to have a retail store there as I was accused of in the past. Mr. Wardell Bowie and Madeline Bowie, who live to the right of us, they're concerned about privacy

in their back yard. I might add that Mr. Raymond Hill, and Essie Hill, they live on the corner of Santa Monica Court and Santa Monica Drive. When they initially built the home, they removed all the trees. So, therefore when you come down Santa Monica Drive, you can see their back yard, their patio, you can see my backyard or our backyard. You can see the Bowie backyard. If any of us are entertaining, you can see all three backyards, and when they compare whether my customer will be coming and invading their privacy, compare the two. There is no comparison. And again, we value our property, and we are not going to tear down or embarrass anyone there because my business is low key. I go out with my brides for photo-shooting, as well as meeting the event area. I plan the event there. I also go with them planning their bridal gowns or ordering or what have you. There is no reason than for me to meet my clients. And usually for their first visit. And also if there should be any problem that may arrive. And I can only do one wedding a month. And I average about ten weddings a year. So, with that note, if there is any question, I welcome them, and I ask you all to support the ZBA decision.

Councilman Hogan: I have a question Mrs. Nunley. If the Zoning Board's decision is overturned today, do you still plan to keep operating out of your home?

Mrs. Nunley: I do because, compare. I'm operating out of my home or whether I'm going to that building. But I would like the privacy when the time arrives.

Councilman Hogan: I was curious to know, you said a moment ago, you're not expanding your business. So, you're not adding new lines or new services?

Mrs. Nunley: No.

Councilman Hogan: You'll still have basically the same operation?

Mrs. Nunley: Yes.

Councilman Hogan: Okay, I just wanted - - -

Mrs. Nunley: You know the word expansion in the ZBA application, that has thrown off a lot of people in moving to that building was not an expansion. It was just for privacy.

Councilman Hogan: I was under the notion that your business was growing?

Mrs. Nunley: No, that building that the young lady gave earlier, it was built for storage. One-half storage for our personal as well as my supplies that I may use to go set up for an event, meaning bridal shows, or whether I'm planning an event for my clients. The other half for my office, because I didn't feel the need that if I'm going to speak with people about what I can set up and plan for them, to have to go out to that building and bring it back to my home, I wanted to have the accessory right there at hand.

Councilman Hogan: Okay, so you might say it's a matter of convenience for you, just to move it away from your home. Obviously, you have a family and it's a matter of privacy for your family, you just wanted to take care of your business in a separate location. Alright.

Mrs. Nunley: Yes. Thank you.

Mr. Elmer Nunley: (4103 Santa Monica Ct) The person in question is my wife, who is a Wedding Planner and Event Planner. The purpose of all this discussion that we've heard is that she's not expanding, she just want the opportunity to have the space she needs to work with. In other words, she is trying to provide herself a relaxation area away from the hustle and bustle of the house, and she's not expanding the business, she's just trying to create an office space. Now, I've heard my neighbors, I've heard from outside, I've heard people that I work with everyday, I am employed by Caddo Parish School Board, (inaudible) things have said about what we're trying to do there. But I lived there 18 years, and along with Mr. Phelps, and some of the others, we did start Western Hills Estate Neighborhood Association. I was the president until all of this came about, and I felt the need to step down. I would not and I would never try to do anything

that would bring down the value of anyone's home in that area. I've always tried to do what was right by that neighborhood. I've gone to different areas before my neighbors who moved there and tried to help take care of those areas. But I am asking that we all do as Mr. Hill said, that there are certain things that democracy gives to each person. It gives them life, liberty, and the pursuit. And my wife has not been given the chance to pursue the thing that's going to make her happy. And this is all that we're looking at. Because I've heard some things said, that I know are not true, that I would not stand for. I've heard a lot of things said that we are - - - what we were trying to build when we built it. I know better, because I live there. I have a lawn mower, I have a work area in that building. I have stored tools. I go out sometime and tinker with my things in that building. And I don't see why all of that couldn't be her building as an office. We would like for you as a board to uphold the ruling that has been made. Now, I know that this has become a burden to most of you, because most of you probably have been getting an array of different calls, about it and what's going on. All the statistics that my neighbor has presented before you, I didn't feel any need to go and try to dig up those things, because whatever has gone before should be, and what would not should be. And I'm asking the decision that was made. Are there any questions? I thank you.

Mr. Antee: Mr. Chairman, when we're through with that, Mr. Clark is here.

Councilman Carmody: He's ready to speak? Okay, thank you.

Mr. Hal Henry: (4104 Santa Monica Ct) I missed a lot of what was said, but my point in coming today was to ask you to vote against the ZBA's decision. Now my wife and I are homeowners who reside at 4104 Santa Monica Ct. Several years ago, as we moved into the neighborhood, and looked at the neighborhood, we noticed the nice homes, the well manicured lawns, and we thought it would be a good place to have a new beginning, or a new start. Now with the Nunleys requesting a zoning change, you're actually going to change the neighborhood by agreeing with the ZBA's decision. If you make a variance, you make an allowance, then the next thing that's going to come before the City Council is "I want to sell aluminum cans." You're going to open up a Pandora's Box. I'm against it. It's going to change the neighborhood. And I don't know if you've ever been in our neighborhood. It's one of the nicest places in Shreveport and Bossier. I work for a public transportation company. I get a chance to go into every gated community, and have had interesting conversations with people who live in gated communities. In fact one gated community has a business. This gentleman and his wife have a business that operates out of their home, but not a detached building. And as I talked to private enterprise people, they have said unequivocally, they would not allow a business operated out of a detached building. These are business people that I'm talking to that live in residential areas. So to me, you - - - this is a side comment. As I talk to those people that live in gated communities, they told me that they're safe. And having read an article in a state magazine, the gated communities in Bossier City are the safest in the state. What does that tell you? In talking to some of those residents, there are at least two-three patrols every 8-hour shift in those gated communities. Shreveport does not have the manpower to make us safe, and to keep us safe. Calls for service are rated. Burglary is one of the last things, vandalism. I'm against it, we live in a democracy. Out of the five residential areas in the cul-de-sac, four are against the Nunleys. That ought to say something right there, loud and clear. I'm not concerned with them expanding, I'm concerned with them starting. You're going to bring in unwanted traffic, and as was the case when I was constructing my home a couple of years ago, someone tried to burglarize the Hill's home, but my bricklayers called me, and I called 911. You don't need additional traffic in a neighborhood. I'm not concerned with expansion. And I'm from the old school, and I'm fixin to

say something real hard, but this where I stand. I liken the agreeing to the Zoning Board's decision to an act of terrorism, as far as I'm concerned. If you agree with what Saddam Hussein did before, then you agree with him afterwards. There is not going to be a change. To make a decision to agree with the ZBA's decision, to me is an act of terrorism as far as I'm concerned. Because I've got to go to work, I can't be concerned with whether or not, somebody's expansion - - - somebody sees an article in the newspaper, and they decide they want to go to Carol Nunley's place of business. Move it up on Pines Road, buy you a suite, I'll give you the money. Rent you a suite on a month to month basis. So for me, it's a matter of principle. You folks are elected officials. The ZBA is selected, nominated, whatever the process is. As a group and as a community, we're asking for your help in this area. I'm not going to allow my property value to go down, and if that was the case on Youree Drive, in southeast Shreveport, then all those business wouldn't have moved to Youree Drive, they would have moved to Anderson Island, Broadmoor, Spring Lake, but they didn't. They respected those residential areas, those people that would be neighbors and people that would do business with them. That's what I believe. I don't sit in your positions, so I don't have a right to vote today, but I can express my displeasure with this whole procedure that's been taking place for at least three years. And I implore you, I ask you, to do what is right for our neighborhood. Yeah, there is expansion southeastward. Eventually those who live out Ellerbe Road will get a school for their area. But I don't want my property value to go down for any reason. I appreciate your time, I appreciate you listening, and I hope you make a decision that will benefit our neighborhood. Because even as I speak, there are at least 10 new homes being built in Western Hills Estate. Thank you.

Councilman Green: Excuse me. Did I understand you to say that if we voted with the ZBA that we would be voting as terrorists?

Mr. Henry: No, I likened it to an act of terrorism. And the reason that I think that - - - you know that within the last two weeks, there've been shootings on school campuses. That's an act of terrorism. Especially the act in Pennsylvania with the Amish, in a closed (inaudible). Someone could come in here and commit an act of terrorism.

Councilman Green: No sir, I'm asking - - - I'm trying to understand what you're saying.

Mr. Henry: I'm saying that when a governmental board such as this, you folks here, make certain decision, how is it going to impact us as a community and then as a city as a whole. And I'm going to say this relative to the act of terrorism. I have respect for Mayor Keith Hightower, but you know who runs the city? The City Council does. The City Council runs the city.

Councilman Lester: Can you put that on a T-Shirt?

Mr. Henry: Well, I'm not going to get involved in politics, because if I ran, it would probably be a lot of changes. And I respect my Mayor. But you gentlemen, you folks, you actually run the city. Every decision you make is a decision that either enhances Shreveport as a community or sometimes takes away from it. So, it's your decision Mr. Green, it's a quality decision - - -

Councilman Green: No sir, I'm not talking about my decision. You said that if we in fact did not overturn the ZBA's decision that we would be voting in an act of terrorism. Is that what you said, or am I just misunderstanding?

Mr. Henry: Yeah, I said it before, and I'm saying it again, because it's interesting to me that a construction company, a major construction company in Stonebridge runs their business out of their home. Not a detached building. I can knock that door, make a delivery. Their receptionist answers the door, but as I ask the question, the homeowners live in that particular

facility. They live there in the home, but not in a detached building. So, as long as the Nunleys operate within the home, that's okay, but to ask for a zoning variance, then you violate our privacy and our right to freedom and serenity in the neighborhood. I don't mean to slap the City Council, because I can't slap you. My hands are not big enough, and I'm outnumbered. But in essence, I'm just asking for help. I can't go to Keith Hightower, he's on his way out of his Administration. But I can go to you folks and ask for help and ask for consideration. And that's all I'm asking. I didn't come in here with a gun, I didn't come in here with threats, but I'm presenting a picture of what I see, because eventually, if the decision is not done as the majority has asked, - - - I'm going to say this as I go to my seat, (inaudible) in Shreveport it really does, and some people walk around with the crown. I came to speak, my wife, my children, we live here, I've lived here all my life, and for the most part I've been treated fairly and justly, I'm not concerned with detractors, because you don't pay my salary. And you're not my friend. But please consider the fact that the majority would like to ask you to overturn the ZBA's decision. That's all we ask for. Because if the Nunleys want to operate a business, let them go to Youree or some other place. That's the reasonable thing to do. If you want to live in peace with your neighbors, you don't want to have hard feelings. Thank you for your time. I appreciate it. Any more questions?

Councilman Hogan: If there are no objections from any Councilmen, we're going to backtrack and hear Mr. Tommy Clark, relating to the Convention Center and Hotel. Mr. Clark, did I see you come in? There he is. Welcome to the meeting. If you would just say your name and address for the record.

Mr. Tommy Clark: (6425 Youree Drive)

Councilman Hogan: Alright. Thank you for coming today, I believe Councilman Jackson has a question for you.

Councilman Jackson: Mr. Clark, I'd asked at our last meeting and again on yesterday that the last time we met, I'd asked for specifically the contracts particularly that had to do with not just the general contractors doing, but the subcontracts that a contractor would have as well. We didn't get much information about that, I requested it from you, and I just really asked the Administration a couple of weeks ago, and again yesterday for that information.

Mr. Clark: I believe we responded to that, that our position is subcontractors or contracts are our contracts and that by advise of counsel, we refuse to give that to you.

Councilman Jackson: I guess this is the new answer because according to the minutes from the meeting, I wanted to be sure that I wasn't talking out of turn, we talked about this and I asked you - - - I said, what I'd like to know is do you all or can you all submit to this Council a copy of all your subcontractors. And I'd like to know the contract that was subcontractors have with other people as well. In other words, if a subcontractor has subcontracts, if he or she could supply those contracts to us as well? And your question to me was: On minority participation? My answer was: On all of them, but particularly, on the minority participation, but I'd like to see all of them. Could you do that? Your response to me was: I'll see what we can compile. You may have to haul it in here with a truck. And my response to you was: Well, go to the back door, that'll be fine. And what I'd like to do is see those particular - - - I tell you what you could do Mr. Clark, if you could concentrate on the Fair Share folks or the minority business or whatever flavor of the month or whatever the name is, if you could concentrate on this group first, that phantom 21%. That particular group. That would be satisfactory. And your comment at that point was: I think you have that already. There's the list already. And I said: Who the

subcontractors are doing business with? And you said: Yeah. And I went on and so on and so forth. And we can get a copy of this and we went on. So, I did in fact ask for it, and I wanted to be sure that I was recalling it correctly, when you said that you would in fact get something together. And it may be voluminous. And I just said that day to you and Mr. Antee that notwithstanding that, you know I'll be glad to read through them, it doesn't matter how voluminous they were. So are you saying now that the answer is different, and that by on advice of counsel, that now you cannot submit that information to us?

Mr. Clark: I guess what I'm telling you is that we submit our pay applications of every contractor, subcontractor that has provided work on the hotel every two weeks. And I believe that, and I have the list of that I believe that Mr. Gilliam gets this in his office or Mr. Antee. I'm not sure which. And that report then is trans - - - compiled into with the Fair Share Report. But we have a list of every subcontract, subcontractor - subcontract of the subcontract, that were pay applications for that particular two weeks. As far as the actual contents of the contracts of subcontracts, no at this time, we're not willing to release that information.

Councilman Jackson: Let me ask you this, is it possible, and maybe Mr. Antee can help you with this answer, cause it may be or maybe Ms. Glass, may be from a legal perspective. Is it possible that a general contractor could contract with Company A, who may be Acme Company, who happens to be a minority company. Then that minority company could turn around and contract with the Bacme Company, who happens to not be a minority who does all that minority's work?

Mr. Clark: Sure.

Councilman Jackson: That's possible to do that?

Mr. Clark: That's possible, yeah.

Councilman Jackson: Is that to you all meeting the tenants of Fair Share if that were to happen in your opinion, does that meet the spirit of Fair Share? Just in your opinion.

Mr. Clark: In my opinion, that's the way that the spirit of Fair Share has been driven by not only us, but every contractor in this city.

Councilman Jackson: So, the idea is to get a minority company who can find a majority company to do the work, but yet, they get the credit for it?

Mr. Clark: They manage the contracts. They are managers of several contracts.

Councilman Jackson: So, they move paper, but they don't do the work?

Mr. Clark: In some cases, they actually do the work, in other cases they manage the contract.

Councilman Jackson: In this situation, I guess my question then Mr. Antee, or to Mr. Clark, can you give me some documentation that suggest to me in which cases on this contract, we have a person who's managing paper versus doing the work, yet they're getting the credit on one of these sheets that you've turned into us?

Mr. Clark: I believe you get that information.

Councilman Jackson: I've never gotten it. We get a very reduced form - - - I think everybody may get a copy of form that we receive. It is I think, a two page document that has perspective, proposed contractors, and then actual. So, we have two things on there. I don't think there's anything in that information that will identify to us that Company A, that is Mr. Thompson, who has a \$2,000,000 contract or a \$1,000,000 contract, has now gone and subcontracted with Company B which is Ms. Glass, who actually does the work, but we give the credit to Mr. Thompson with full knowledge that Mr. Thompson is, if I can use the term 'managing the contract,' but not doing the work? And I think what happens, is let me tell you

what my suggestion is. What happens is that affirmative action, these kinds of programs, all of those programs are minimized, whenever we have knowledge of the fact that this is going on. Because it tells a business person who is out there, who may be a minority, that if you work hard and do the work, and those kinds of things, that it still doesn't mean anything. Because what we could do is find an Art Thompson, give him some money, put him over the contract, but he's going to manage the contract, while Julie Glass continues to do all the work. That does absolutely nothing to build capacity. I got more minutes, when we talked about - - - you may remember when we talked about building capacity in businesses? And you all told me you wanted to start local. There are people Black and White in this city who get frustrated about the Fair Share Program, because they perceive just what we described to be what's going on with everybody. So, there are some African-American companies who are working hard and doing work, who are being labeled as these contract managers, when they are actually doing the work. I think it sets the City back, I think it sets what the goals and ideas of real minority participation, business capacity building, it sets us back centuries in my opinion when we say to persons 'it's okay for you to put a Brown face or a Black face on a contract while there are still going to be a majority company doing the work. But because we want to satisfy the tenants of our Fair Share, rather than building capacity in the business or finding legitimate businesses, no matter where they may be to do the work, we'd rather put a Black face on the front of the work, and suggest to them that they would push paper. And at the end of the day, don't make a profit, they make marginal - - - I guess they get a fee, basically that ends up being a fee for the management of that contract, but by right, that company who is Julie ought to be frustrated that she's got to stand behind a Black face, even though she is a White company in order to be able to get this business. In fairness, the people across this City of Shreveport, don't like to see that happen. Because a White business could in fact suggest that because of the way you've got this façade program, not a Fair Share, a façade share program where you put a Black face, and you put that behind - - - it's like that old westerns that they used to film years ago. Have all these buildings, but they weren't really buildings, they were just a façade of the buildings, but for the purpose of shooting a movie, it looked real good. And that's where my problem is. As I said to this Administration about the entire Fair Share Program, that we put these facades up and we have these nice TV sets, but when it's all over, can somebody say to me, here are two examples I want to lift up. We're proud of our Fair Share Program, it's on our website, and here are two examples that we want to lift up. This is Mr. So and So, and Mrs. So and So who are in business, and when we met them, and they came to this city, they had four employees. After eight years or seven years or however many years of the Fair Share Program, we've held their hands and worked with them, and now, they've got 14, they've got 24 employees, and we actually (inaudible). And guess what? They don't need to come back to us through Fair Share, they are competing with everybody else. If we don't do that, we'll continue to have a scenario wherever happens to be the engender of friends of those who know somebody who know somebody, whether it be me as a Councilman, or whoever the Mayor may be, and they get a hook up, and all they're really doing is putting a Black face on a contract, so that we can go out into a larger world and say, we're including everybody. African-Americans, Black People, whatever you want to say or 50+% of the population, so they've got to be involved. When the Mayor took the office, he said more than one time, that whenever we got here, hey we had 1 or 2%, we're going to do better than that. And I suggested to him that I thought we ought to just go all out to do better than that. And he has said that we've done better than the previous Administrations. And to his credit, they have. My question is whether or not this undermines the credibility of that effort? By

saying to me that it is indeed possible to put a Black face on a contract, and that Black face simply be a face. Not be hands that work, not be intelligence that manage, not be those who can lay it out and do the work, but simply people who cash the checks and then pass the money on to somebody else while keeping what is tantamount to the same kind of fee that Thrifty Liquor does for cashing a check. And in my opinion, that's not business development. We have done nothing in my opinion to advance, not to hand out. But we ought to be in the business of handing up, not handing out. And what we've done is put in place a program that seems like a sophisticated way to continue to hand out money which compromises the improvements. Which compromises the strides and accomplishments, that I believe minority businesses, whether they be Woman Owned, Black owned business, Hispanic have tried to make over the course of the last several years. I think we ought to be embarrassed that we can say in 2006, we still have smoking mirrors. We still have shenanigans going on. That ought to be collectively embarrassing. This ought not be a Black thing, where I know every person on this dais ought to be upset or who ought to be concerned about this, because this is the way we have established for the entire world that we do business in the City of Shreveport. That ought to be a problem. If I have a person that I know of, as a Councilman, and I say I want to use my influence to bring them to the table, a Councilman ought to be embarrassed as well to say, well we got a \$3,000,000 contract, and I want to bring this guy to cause at least he passes the standards, he's Black. And lets hook him up, and then you know you can let your guy do the work. A Councilman ought to be embarrassed. And I as a Councilman say to you, here is a company that has capacity, that I think given an opportunity like Walton Construction, who came from Kansas City to come to Shreveport whose helped develop our economy here in Shreveport. But there is another company who I had suggested, and on one occasion before, I think as you may be aware of, who I suggested to work in this project. And some of the men and women support local minority contractors, got a little upset with me, because they said, you bring in somebody from the outside. But I can take that. Because at the end of the day, I'm bringing a legitimate company with legitimate capacity who then has the ability to mentor other minority businesses, and that minority business can look to say - - - you know, if they can build this company, maybe we can too. Is it that they were in another city or state that made it easier for them to do business, or maybe they're using management techniques, and maybe they're bidding better. Maybe they have better (inaudible). Maybe they have different ways that we can help to build our businesses. And that network with that business sets for them an example. It becomes a motivation, can become a mentor of sorts to them, and that could legitimately happen. I thought we had that kind of situation in place. But instead what it suggest to me is that we would rather play the old school game of smoking mirrors. Where we put a Black face on it, and then we suggest to you that that's it. I said to this Mayor, a long time back, and I know that he'll say it, and maybe my colleagues may remember I said it. That how you measure progress is what really matters. And when you were here the last time, I told you, I measure capacity building by different standards than just how we shuffle and pass out contracts. But whose growing? Forget about just giving 'em a contract, or just give 'em anything. Are they growing as a business? And what's the purpose of the Fair Share Program if not to be build capacity. How we measure progress says a lot about how we begin to put programs in place and what we actually do to address what I would call historic disparity. Now, again I've suggested, there was an old adage that says if you've got a knife nine inches in my back, and you pull it out six inches, is that considered progress? At the end of the day, the knife is still in my back, and that's my major concern. Now I hope Mr. Chairman, I'm not out of order for having this concern, but I think it's

a legitimate concern that's again ought not be minimized to a Black issue. Ought not be minimized to a minority business issue, but it is to me systematically a way we do business kind of an issue. And I think perhaps that's beyond your purview to even address because the Fair Share Program, the Administration, somebody ought to be responsible for giving the citizens of the City of Shreveport a better explanation, than it's okay for us to put a Black face on this when we know in fact, that's not fair to majority businesses who have to stand in the back and get a project behind somebody's - - -, behind the curtain, or in the closet. That's not fair. People ought to be able to compete. Here we are X amount of years later, and if people are not able to compete any better eight years later, the program was a waste. It was a way to simply shuffle the cards, give out contracts, and put Black faces on things. That doesn't help Shreveport as a community, and in my opinion, at all. With all due respect, I'm disappointed. Thank you Mr. Chairman.

Councilman Hogan: Mr. Clark, do you have a reply for that?

Mr. Clark: No sir. I'll be glad to leave a schedule with Mr. Thompson, if he'd like to pass that on to the Council.

Councilman Hogan: Okay. Just a moment, Councilman Lester has a question or comment.

Councilman Lester: Thank you Mr. Clark. I was dismayed to say the least about several of the comments that you made. 1) Is it - - - I almost said is it your testimony, I apologize, that's a habit, did you not say on the advice of legal counsel, you have been advised that you cannot give the subcontract information to us on the City Council? Did I hear that correctly?

Mr. Clark: Yes sir.

Councilman Lester: Okay, so your lawyers are taking a position that a publicly bid contract, with public dollars, the subcontractors are private information? Subcontractor information is private information?

Mr. Clark: I guess the advice that I got was that our contracts with anybody is our contracts, is our information.

Councilman Lester: Okay, alright. Now let me ask this question. When you provide Mr. Gilliam with the reporting instruments to Mr. Gilliam, do you provide the subcontract information to Mr. Gilliam? And what for do you give that information to Mr. Gilliam. And when I say Mr. Gilliam, I'm talking about the Fair Share office.

Mr. Clark: Well, I've got a copy of what we provide as the pay application. It's a Monthly Subcontractor Payment and Utilization Report, Form B, which I'm assuming is a City's form. And it has everything every subcontractor that performed work during that period and time.

Councilman Lester: Uh hmm. Has your company provided to Mr. Gilliam's office the list of subcontractors and the work that the subcontractors are doing?

Mr. Clark: As far as I'm aware, we have.

Councilman Lester: Now, the other thing that I have some concern about is this idea about contract managers. Please explain that to me. You said that there are subcontract managers who are actually not performing the work, but they are contract managers.

Mr. Clark: Well on certain occasions, you might have contract with a subcontractor that performs maybe some type of forming work, but he's also managing parts of that formed work that are parallel to that of other subcontractors. So, he's actually managing the entire work, but he may not be performing the entire work, but he's performing some of the work, but it's parallel and adjacent to that certain work.

Councilman Lester: Okay, and when you have one of these Fair Share, or any of these subcontractors that's performing contract management, from a subcontracting standpoint, have you provided that information to Mr. Gilliam?

Mr. Clark: Yes.

Councilman Lester: Okay, so Mr. Gilliam knows that there are currently Fair Share or DBE, or Minority Contractors that are not doing the work, they are actually doing contract management?

Mr. Clark: As far as I'm - - - my knowledge is yes. I believe that's fact.

Councilman Lester: Okay.

Mr. Clark: I don't actually interact that information with Mr. Gilliam, I have people that do that.

Councilman Lester: Okay, alright, and well let's hold this up. Mr. Gilliam. Good afternoon Mr. Gilliam.

Mr. Gilliam: Good afternoon Sir.

Councilman Lester: I understand you've been here listening to the last questions I was asking to Mr. Clark. Are you or have you been given information regarding Minority or DBE or MBE, or Fair Share Subcontractors that are not performing the work, that are otherwise acting as contract managers?

Mr. Gilliam: This is the first time I'm aware of that concept, and if I were aware of it, I would be extremely uncomfortable with doing it.

Councilman Lester: Okay.

Mr. Gilliam: The idea is I would think that there would be an opposition to the spirit and letter of this ordinance.

Councilman Lester: Okay, alright. So, to your knowledge, and obviously, you've been quarterbacking the Fair Share Program for quite some time, certainly through the entirety of this portion of the project, i.e. the hotel. Is that correct?

Mr. Gilliam: That's right.

Councilman Lester: And to your knowledge, is it your - - -lets just go on and say testimony that there have not been contract managers. In other words, there has not been a differentiation between a minority contractor doing the work and someone that's not doing the work, and just managing the contract?

Mr. Gilliam: And my response to that would be at the very core of the Fair Share initiative is an economic development tool. It's a tool as to where my clients are supposed to get in a position to create wealth themselves. The only way that they can do that is to be instrumentally and structurally involved in the actual performance of that particular test they're doing or to provide provision of that service. That's the way we have operated the program, that's the way it was envisioned, as I think it was written. That, that was what was supposed to happen. If we have encountered any performers or (inaudible) as we called, or fronts, we take every effort we can to dig those people out of the program. We've had two instances. We have certified them, they have appealed us. We've prevailed and that's our posture.

Councilman Lester: Okay, so if in fact, someone has a subcontract to do work on this project, and they have been reporting that they have been doing, let's say 5% of the work, when in actuality, they weren't doing the work, they were just managing the contract. Would that be a per se violation of the Fair Share ordinance in your mind?

Mr. Gilliam: I certainly don't think it would be in the spirit of what we're trying to accomplish here. If I'm getting your question correctly, we expect if a particular work scope is

assigned to a client of ours, we expect that, that particular client would be - - first of all, he's been (inaudible) to be ready, willing, and able to do it. That he or she would perform it in a certain way. And we would only think that he would have made some significant contribution to the effort, if indeed he had done it. Not if something had simply passed through him in name only.

Councilman Lester: Okay, now let me ask this question. Do you have, or have you been given - - have you been provided with copies of subcontracts on this project?

Mr. Gilliam: We do not have copies of the subcontracts. That is between this company and the particular subcontractors.

Councilman Lester: Okay.

Mr. Gilliam: Now, what we have started doing because we sensed the problem about a year ago, we instituted about a year ago, something called a letter of intent, because we found out that indeed there were some prime contractors who were listing our clients on there just so that it would appear it was in compliance. So what we do now is we have a letter of intent that has to be signed by the prime and the subcontractor. Each one itemizes the works scope that he or she is supposed to perform, the amount of money that is supposed to be in that particular contract, and both the prime and the sub sign accordingly. That has helped us a lot in terms of making sure that compliance is adhered to.

Councilman Lester: Okay, let me ask this question. If in fact, someone had signed a document that says, "I Joe Blow, am a subcontractor Walton, and I am performing this scope of work." If they're not actually performing that scope of work, if they're in a contract management position, wouldn't that be - - I don't know, I want to say illegal, or certainly wouldn't also violate, certainly the letter of the law, but maybe even well I think spirit and the letter of the Fair Share Ordinance. Wouldn't that be tantamount to - - I'm not going to say making a false police report, but that would be - - lets just say, disingenuous?

Mr. Gilliam: It would be suspect at best, and of course, it would be something that we would want to scrutinize very closely. And as I'm looking at the scopes in the report that I've generated for you, the scopes there are the Fair Share Clients, and/or MBE or DBE. They're actually real forthright work scopes. I mean, there's for instance, concrete reinforcement or rebar. The gentleman who is there, we know the gentleman, we've done - - everything short of a DNA test to prove he is who he is, and does what he's supposed to do. By the same token, we have a concrete finisher, a local contractor who has made a significant contribution to the project and benefited accordingly. We know him again. We have been satisfied that he has been performing the service that's called for. I have no concept of this contract management thing. This is the first I'm hearing of it.

Councilman Lester: Hold that thought. Mr. Lafitte. Thank you Mr. Lafitte. Just a couple of questions while it's on my mind and please correct me, as I'm rusty on my contract law. As I appreciate it, we don't do contract management on public projects in Louisiana. I think that's been ruled to be illegal. Isn't that correct?

Mr. Lafitte: The City don't manage the projects.

Councilman Lester: Okay, alright. Now to the issue of not being able to get subcontract information. They've - - I've just been told by Mr. Clark that his legal advisors advised him that those subcontracts are privileged, I guess for lack of a better term, or as we would say, work product. How would we as a City Council or Mr. Gilliam or any of us from the governmental side be satisfied that these public dollars that are being used to the general contractor and are

supposed to be flowing to the subs, how would we be able to verify that if we didn't get copies of the contracts?

Mr. Lafitte: I'm not very certain as to how Mr. Gilliam's office works as far as the Fair Share Program and verifying that these subcontractors are actually performing the work, but on the legal side of it, when we do a contract, we have a contract between the City and the General Contractor. That's the only written document that binds those two individuals. And he contracts with the subcontractors. That's not a contract with the City and the subs, that's between him and whoever he decides to subcontract with. Our agreement is only with the contractor if we wanted to know, I guess who is performing the work as subcontractors, we could always incorporate some language in the contract with the General Contractor whereby they would be obligated legally, contractually to provide us with that information.

Councilman Lester: So are you saying that to your knowledge, our agreements with the General Contractor, in this case Walton, does not speak to the issue of divulging subcontracts?

Mr. Lafitte: I don't know, I have not reviewed the contract, I would only be guessing, if I

- - -

Councilman Lester: Okay, well, if you could please sir, please research that issue. Because I'm very concerned when our Fair Share Coordinator tells me that this is the first time that he's heard of this idea of contract managers and people being placed down as or reported as being Fair Share subcontractors. They aren't actually performing the work, they're doing contract management, and as I appreciate it, contract management is something that we don't do in public projects in the State of Louisiana. So, I'm very concerned when I hear those terms being used, and when I hear our Fair Share Coordinator saying this far into the project, this is the first time he's heard of this, and this has been going on. And my concern is if we're going to be dealing with these public dollars, in an up front and honest way, for us not to be able to get the information that's going to dictate and prove to us, that everyone is dealing above board, is something that concerns me. I mean, when you're talking about a publicly bid, publicly financed project, and you claim privilege or work product and you're working for us, I think that's something that gives me great concern. So, I guess my question to you or my request of you would be to research and find out what recourses that we have from the City's perspective, No. 1 to obtain the subcontract information, number 1. And No. 2, what are our recourses from the Fair Share standpoint, and from a legal standpoint if we have a contractor that is basically through either inaction, action, or not being aware of how the program operates, either tacitly or otherwise is violating the Fair Share ordinance to the point of you actually almost had, dare I say, sham companies, and then reporting to us that that person is doing the work. So, if you could provide me with research on what our alternatives are and does that lead us to the point where we're back to breach of contract, and I would remind you also, as I appreciate it, when we had this discussion with another gentleman, not Mr. Clark, I believe Mr. McCrocklin, stood here and said he was going to do the 21%. And I believe that it was Councilman Green that asked the question that if they did not come up to the 21%, would they be in breach, and would we have legal recourse. And I believe one of the answers was, there was the possibility they could be found in breach, I would like for you to do some research on the breach of contract issue. Particularly as it relates to this Fair Share piece.

Mr. Lafitte: Absolutely.

Councilman Lester: Okay.

Councilman Green: Of course, all you have to do is pull the tape, but let me ask you this, and maybe Mr. Gilliam might be able to answer, or maybe you might be able to answer. How

does the IRS fit into this. If in fact I said that I had a job for \$5,000,000. At the end of the year as far as income tax, shouldn't that be reported or balanced or how would one escape that?

Mr. Lafitte: I'm not a tax lawyer, but if you're not reporting your income, I do know that it can cause you a problem with the IRS.

Councilman Green: So, I guess Mr. Gilliam, are we tapped into the IRS as to - - - if I say that I have a contract from the City for \$5,000,000. And at the end of the year, shouldn't it ought to be a balance with the IRS?

Mr. Gilliam: Well, obviously, our office is not tapped into the IRS, but I chuckled when you posed the question to counsel here, because on this particular project, there was a subcontractor, Fair Share subcontractor who had a significant amount indicated for him, and of course, we were trying to look for some viable proof that indeed the service had been rendered, and that money indeed had been earned. And we challenged a particular client, and we got a call from the attorney, and it went on and on, and so my question was this surely, all of these expenditures, this income, if they're an expedient businessman, it sure ought to show up on their tax returns?

Councilman Green: So, is there a way that possibly whatever we attach to whatever that we could also make the IRS a partner with us that you know - - -?

Mr. Gilliam: I would assume - - - again defer to counsel, I don't know.

Councilman Jackson: Thank you Mr. Chairman. Mr. Gilliam, I don't have any questions for Mr. Clark or Mr. Lafitte, just Mr. Gilliam. You were here whenever I was making my previous comments, were you? Oh, you weren't in here I'm sorry. Well, it seems as if what you're saying to me is that as Mr. Clark was saying that they were aware of the companies who were contract managers, that it sounds as if you were saying to us a few minutes ago, that you were not aware of that?

Mr. Gilliam: The first time I've heard of the concept. And if I have a client of ours, one of our clients who's (inaudible) like that, we want to know about it, so that we can correct the situation, and get him out of there.

Councilman Jackson: That answered my question. I just wanted to know if in fact, our Fair Share office was not privy to the fact that that was the case.

Mr. Gilliam: That's the first time I've heard of the concept Councilman Jackson.

Councilman Jackson: Thank you Mr. Chairman.

CONSENT AGENDA LEGISLATION

TO INTRODUCE RESOLUTIONS AND ORDINANCES:

RESOLUTIONS: None.

ORDINANCES: None.

TO ADOPT RESOLUTIONS AND ORDINANCES:

RESOLUTIONS: None.

ORDINANCES: None.

REGULAR AGENDA LEGISLATION

RESOLUTIONS ON SECOND READING AND FINAL PASSAGE OR WHICH REQUIRE ONLY ONE READING

The Clerk read the following:

RESOLUTION NO. 147 of 2006

RESOLUTION STATING THE CITY OF SHREVEPORT'S ENDORSEMENT OF M. CARL RICE D/B/A CARL RICE & ASSOCIATES TO PARTICIPATE IN THE BENEFITS OF THE LOUISIANA RESTORATION TAX ABATEMENT PROGRAM AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY:

WHEREAS, the Restoration Tax Abatement has been created by the Electors of the State of Louisiana as an Act 445 of 1983, and amended in Act 783 of 1984, Article VII, Part II, Section 21(H) of the Louisiana Constitution and Louisiana R.S. 47:4311-4319, to authorize the Board of Commerce and Industry, with the approval of the Governor and the local governing authority and in accordance with procedures and conditions provided by law, to enter into a contract granting property owners who propose the expansion, restoration, improvement or development of an existing structure or structures in a downtown development district, historic district, or economic development district, established in accordance with law, the right to pay ad valorem taxes based upon the assessed valuation of the property prior to the commencement of the expansion, restoration, improvement or development; and

WHEREAS, the City of Shreveport desires to promote economic activity, create and retain job opportunities, and improve the tax base throughout the City for the benefit of all citizens; and

WHEREAS, it is the desire of the City Council to foster the continued growth and development (and redevelopment) of the City to the continued prosperity and welfare of the City; and

WHEREAS, this project is located in a Downtown Development District; and

WHEREAS, this project is a commercial property;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular, and legal session convened that the City Council hereby approves the M. CARL RICE D/D/B CARL RICE & ASSOCIATES application 2003-0611-97 for participation in the Louisiana Restoration Tax Abatement Program.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read, motion by Councilman Green, seconded by Councilman Walford to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None

RESOLUTION NO. 148 OF 2006

A RESOLUTION AUTHORIZING THE TRANSFER OF A RESTORATION TAX ABATEMENT CONTRACT FROM MID-CITY PLAZA, LLC TO MID-CITY PLAZA SOUTH, LLC AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY:

WHEREAS, Resolution Number 34 of 2005 stated the City=s endorsement of Mid-City Plaza, LLC (Exemption Contract Number: RTA2004-0040-06) (the Acontract@) to participate in the benefits of the Restoration Tax Abatement program (the Aprogram@); and

WHEREAS, the exemption was granted for property located at 1545 Line Avenue; and

WHEREAS, the program is authorized by LSA-R.S. 47:4311-4319 and authorizes the Board of Commerce and Industry, with the approval of the Governor and the local governing authority, to enter into a contract granting property owners who propose the expansion, restoration, improvement or development of an existing structure or structures in a downtown development district, historic district, or economic development district, the right for five (5) years after completion of the work to pay ad valorem taxes on the property based upon the assessed valuation of the property for the year prior to the commencement of the expansion, restoration, improvement, or development; and

WHEREAS, LSA-R.S. 47:4318 authorizes the transfer of a contract for the remainder of its term if the property for which the limited exemption was granted is sold, subject to approval of the local governing authority, the governor and the Board of Commerce and Industry; and

WHEREAS, 1545 Line Avenue has been sold by Mid-City Plaza, LLC to Mid-City Plaza South, LLC; and

WHEREAS, Mid-City Plaza South is requesting that the contract be transferred to the new operation; and

WHEREAS, the new operation will continue to operate in the same manner and for the same purpose as specified in the contract prior to the act of transfer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the transfer of Restoration Tax Abatement contract #2004-0040-06 from Mid-City Plaza, LLC to Mid-City Plaza South, LLC for the remaining term of the contract is hereby authorized.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or application, and to this end, the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read, motion by Councilman Walford, seconded by Councilman Robertson to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None

Councilman Walford: Thank you all for those votes gentlemen and lady.

RESOLUTION NO. 149 OF 2006

A RESOLUTION AUTHORIZING THE INSTITUTION OF EXPROPRIATION PROCEEDINGS AGAINST CERTAIN DESCRIBED PROPERTY WITHIN THE CITY OF SHREVEPORT IN CONNECTION WITH THE LAKESIDE AREA STREET PAVING, PROJECT NO: 96-C010, AND OTHERWISE PROVIDING WITH RESPECT THERETO:

WHEREAS, the City of Shreveport has developed the LAKESIDE AREA STREET PAVING, Project No: 96-C010; and

WHEREAS, the property described in the legal description, and more fully shown on the attached plats marked as Exhibit "A" is situated in said development; and

WHEREAS, all attempts to amicably acquire fee title to the property comprising Parcel Nos: P-1, P-2, P-11, P-21, & P-22 have failed; and

WHEREAS, all attempts to amicably acquire a temporary construction servitude to the property comprising Parcel Nos: T-1, T-2, T-11, T-21, & T-22 have failed; and

WHEREAS, public necessity dictates that this property be owned by and subject to the use by the City of Shreveport.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the expropriation of this property is necessary for the public interest; therefore the City Attorney be and he is hereby authorized to institute expropriation proceedings against the owners of record, as they might appear at the time of filing suit, of the property described in Exhibit "A" attached hereto as Parcel Nos: P-1, P-2, P-11, P-21, & P-22, to be acquired in fee title as additional street right-of-way and Parcel Nos: T-1, T-2, T-11, T-21, & T-22, to be acquired as temporary construction servitudes.

BE IT FURTHER RESOLVED, that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications and to this end, the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED, that all resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read, motion by Councilman Lester, seconded by Councilman Carmody to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None

RESOLUTION NO. 150 OF 2006

A RESOLUTION PROVIDING FOR CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD IN THE CITY OF SHREVEPORT, STATE OF LOUISIANA, ON SATURDAY, SEPTEMBER 30, 2006, PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF SHREVEPORT, 1978 RELATIVE TO EMPLOYEES OF THE CITY COUNCIL, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BE IT RESOLVED by the Council of the City of Shreveport, State of Louisiana (the "Governing Authority"), acting as the governing authority of the City of Shreveport, State of Louisiana (the "City"), that:

SECTION 1. Canvass. This Governing Authority does now proceed in open and public session to examine the official tabulation of votes cast at the special election held in the City of Shreveport, State of Louisiana, (the "City"), on Saturday, September 30, 2006, proposing an amendment to the Charter of the City of Shreveport, 1978 relative to employees of the city council and said Governing Authority does further proceed to examine and canvass the returns and declare the results of the special election.

SECTION 2. Proces Verbal. A Proces Verbal of the canvass of the returns of said election shall be made and a certified copy thereof shall be forwarded to the Secretary of State, Baton Rouge, Louisiana, who shall record the same in his office; another certified copy thereof shall be forwarded to the Clerks of Court and Ex-Officio Recorder of Mortgages in and for the Parishes of Caddo and Bossier who shall record the same in the Mortgage Records of said Parishes; and another copy thereof shall be retained in the archives of this Governing Authority.

SECTION 3. Promulgation of Election Result. The results of said election shall be promulgated by publication in the manner provided by law.

Read by title and as read, motion by Councilman Carmody, seconded by Councilman Jackson to adopt.

Councilman Hogan: Mr. Thompson, I was just curious to know, would the registrar of voters get involved in this, or who will actually do the canvassing?

Mr. Thompson: We've already received the information from both the Bossier and Webster Clerks of Court.

Councilman Hogan: Okay, the votes have been confirmed already?

Mr. Thompson: That's correct.

Councilman Jackson: I just wanted to thank the citizens of Shreveport for seeing the wisdom of this Charter Amendment and appreciate their support. Thank you Mr. Chairman.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None

INTRODUCTION OF RESOLUTIONS *(Not to be adopted prior to October 24, 2006)*

1. **Resolution No. 151 of 2006**: A resolution authorizing the donation of Shreveport Police handheld Motorola radios and a laptop to the Bureau of Alcohol and Tobacco, and Firearms (Shreveport Field Office) providing with respect thereto.
2. **Resolution No. 152 of 2006**: A resolution authorizing the donation of Shreveport Police handheld Motorola radios to the Department of Probation and Patrol, Shreveport District Office providing respect thereto.
3. **Resolution No. 153 of 2006**: A resolution authorizing the Mayor to execute grant documents with U.S. Department of Homeland Security (DHS) Preparedness Directorate's Office of Grants and Training (G&T), and otherwise provide with respect thereto.
4. **Resolution No. 154 of 2006**: A resolution authorizing the Mayor to execute a sludge processing/marketing contract between the City and C. E. Delaney and to otherwise provide with respect thereto.
5. **Resolution No. 155 of 2006**: A resolution authorizing the submission of the 2007 Consolidated Community Planning and Development Update (Annual Action Plan) to the United States Department of Housing and Urban Development and to otherwise provide with respect thereto.
6. **Resolution No. 156 of 2006**: A resolution authorizing the Mayor to execute a donation agreement between the City of Shreveport and South Shreveport Development CO., L.L.C., represented by Steve Simon, for the water and sewer mains located in the Pierremont Place Unit #8 and to otherwise provide with respect thereto. (C/Carmody)

7. **Resolution No. 157 of 2006**: A resolution authorizing the Mayor to execute a donation agreement between the City of Shreveport and Provenance Operating Company, L.L.C. by Provenance Operating Company, L.L.C., its manager, for water and sewer system developed in Provenance Development – Phase I Unit A, and to otherwise provide with respect thereto. (D/Robertson)
8. **Resolution No. 158 of 2006**: A resolution authorizing the Mayor to execute a donation agreement between the City of Shreveport and N.F. Road Company represented by Robert M. Aiello, Manager, for water and sewer mains serving Norris Ferry Landing Subdivision, Unit No. 5, and to otherwise provide with respect thereto. (D/Robertson)
9. **Resolution No. 159 of 2006**: A resolution authorizing the Mayor to execute a donation agreement between the City of Shreveport and AOK, L.L.C., herein represented by Robert Aiello, Managing Member for the water mains, sewer mains, lift station, and all related appurtenances serving Lakeside at Long Lake Unit No. 3., and to otherwise provide with respect thereto. (D/Robertson)
10. **Resolution No. 160 of 2006**: A resolution authorizing the Mayor to execute a donation agreement between the City of Shreveport and AOK, L.L.C., herein represented by Robert M. Aiello, Managing Member for water mains, sewer mains and all appurtenances serving Lakeside at Long Lake, Unit No. 4, and to otherwise provide with respect thereto. (D/Robertson)
11. **Resolution No. 161 of 2006**: A resolution authorizing the Mayor to execute a donation agreement between the City of Shreveport and Brunswick Place, L.L.C., represented by Jon E. Saye, Manager for water and sewer mains serving Brunswick Place Subdivision, units 11, 12, and 13, and to otherwise provide with respect thereto. (D/Robertson)
12. **Resolution No. 162 of 2006**: A resolution authorizing the Mayor to execute a donation agreement between the City of Shreveport and Belle Cherri and Company, Inc., represented by Thomas I. Arnold, for the water and sanitary sewer mains and related facilities located in Shreve Hills North Replat, Phase One and to otherwise provide with respect thereto. (E/Hogan)
13. **Resolution No. 163 of 2006**: Authorizing the Mayor to accept a 15' sanitary sewer servitude located in Lot 2 of the Cush's Corner Subdivision in Section 8, T16N, R13W, Caddo Parish, Louisiana, and otherwise providing with respect thereto. (D/Robertson)

Read by title and as read, motion by Councilman Green, seconded by Councilman Carmody to introduce Resolution No(s). 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, and 163 of 2006 to lay over until October 24, 2006 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

INTRODUCTION OF ORDINANCES *(Not to be adopted prior to October 24, 2006)*

1. **Ordinance No. 161 of 2006**: An ordinance closing and abandoning a portion of the 20-foot wide alleyway located between Grigsby Street and Summers Street and bordered by Linwood Avenue, and Dowdell Street in Section (T17-N-R14 W) Shreveport, Caddo Parish, Louisiana, and to otherwise provide with respect thereto. (B/Walford)
2. **Ordinance No. 162 of 2006**: An ordinance authorizing and providing for an encroachment on the St. Vincent water tower, and to otherwise provide with respect thereto. (B/Walford)
3. **Ordinance No. 181 of 2006**: An ordinance to amend and reenact portions of Article III of Chapter 50 of The Code of Ordinances relative to advertising and to otherwise provide with respect thereto.

Read by title and as read, motion by Councilman Walford, seconded by Councilman Jackson to introduce Ordinance No(s) 161, 162, and 181 of 2006. to lay over until October 24, 2006 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

INTRODUCTION OF ORDINANCES *(Not to be adopted prior to December 12, 2006)*

1. **Ordinance No. 163 of 2006**: An ordinance adopting the 2007 General Fund Budget, appropriating the funds authorized therein and otherwise providing with respect thereto.
2. **Ordinance No. 164 of 2006**: An ordinance adopting the 2007 Capital Improvements Budget, appropriating the funds authorized therein, and otherwise providing with respect thereto.
3. **Ordinance No. 165 of 2006**: An ordinance adopting the 2007 Budget for the Riverfront Development Special Revenue Funds authorized therein, and otherwise providing with respect thereto.
4. **Ordinance No. 166 of 2006**: An ordinance adopting the 2007 Budget for the Community Development Special Revenue Fund, appropriating the funds authorized therein and otherwise providing with respect thereto.
5. **Ordinance No. 167 of 2006**: An ordinance adopting the 2007 Budget for the Water and Sewerage Enterprise Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
6. **Ordinance No. 168 of 2006**: An ordinance adopting the 2007 Budget for the Metropolitan Planning Commission's Special Revenue Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
7. **Ordinance No. 169 of 2006**: An ordinance adopting the 2007 Budget for the Fleet Services Internal Service Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.

8. **Ordinance No. 170 of 2006**: An ordinance adopting the 2007 Budget for the Golf Enterprise Fund appropriating the funds authorized therein, and otherwise providing with respect thereto.
9. **Ordinance No. 171 of 2006**: An ordinance adopting the 2007 Budget for the Airports Enterprise Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
10. **Ordinance No. 172 of 2006**: An ordinance adopting the 2007 Budget for the Police Grants Special Fund appropriating the funds authorized therein, and otherwise providing with respect thereto.
11. **Ordinance No. 173 of 2006**: An ordinance adopting the 2007 Budget for the Environmental Grants Special Revenue Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
12. **Ordinance No. 174 of 2006**: An ordinance adopting the 2007 Budget for the Downtown Entertainment Economic Development Special Revenue Fund, appropriating the funds therein, and otherwise providing with respect thereto.
13. **Ordinance No. 175 of 2006**: An ordinance adopting the 2007 Budget for the Downtown Parking Enterprise Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
14. **Ordinance No. 176 of 2006**: An ordinance adopting the 2007 Budget for the Convention Center Hotel Enterprise Fund, appropriating the Funds authorized therein, and otherwise providing with respect thereto.
15. **Ordinance No. 177 of 2006**: An ordinance adopting the 2007 Budget for the Shreveport Redevelopment Agency Special Revenue Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
16. **Ordinance No. 178 of 2006**: An ordinance adopting the 2007 Budget for the Retained Risk Internal Service Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
17. **Ordinance No. 179 of 2006**: Adopting the 2007 Debt Service Fund Budget, appropriating the funds authorized therein, and otherwise providing with respect thereto.
18. **Ordinance No. 180 of 2006**: An ordinance adopting the 2007 Budget Funding Contractual Services provided to SPORTRAN by Metro Management Associates, Inc., and otherwise providing with respect thereto.

Read by title and as read, motion by Councilman Green, seconded by Councilman Jackson to introduce and table Ordinance No(s). 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, and 180 of 2006 to lay over until December 12, 2006 meeting.

Councilman Carmody: I did have a question just for a point of information. Those persons who have already I guess either made it into the runoffs, or been elected to serve on the next Council, they are permitted to attend the budget hearings, as they are public meetings, correct?

Mr. Thompson: All of our budget meetings are public meetings.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

ORDINANCES ON SECOND READING AND FINAL PASSAGE *(Numbers are assigned Ordinance Numbers)*

1. **Ordinance No. 119 of 2006**: An ordinance amending the Section 10-1 and 10-102 of the City of Shreveport Code of Ordinances relative to alcoholic beverages and to otherwise provide with respect thereto. *(Postponed September 26, 2006)*

Mr. Thompson: I believe that the Police Department asked that this be postponed.

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Walford, seconded by Councilman Jackson to postpone. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

2. **Ordinance No. 120 of 2006**: An ordinance closing and abandoning the 20 foot-2ide alleyway located in the John H. Fetzer Subdivision between West Laurel Street and Chestnut Street, bordered by Exposition Avenue and Alabama Avenue in Section 3 (T17N-R14W), Shreveport, Caddo Parish, Louisiana and to otherwise provide with respect thereto. *(G/Jackson) (Postponed September 26, 2006)*

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Carmody, seconded by Councilman Jackson to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

3. **Ordinance No. 122 of 2006**: An Ordinance to amend portions of Chapter 90 of the Code of Ordinances relative to traffic and vehicles and to otherwise provide with respect thereto. *(A/Lester) (Postponed September 26, 2006)*

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Jackson to postpone. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

Councilman Hogan: Councilman Hogan: I just we can make it our goal to make it by the end of the time before some of us leave the Council.

Councilman Lester: You will get it done. You will get an opportunity to vote on that.

Councilman Hogan: That's good. Next Mr. Thompson?

4. **Ordinance No. 131 of 2006**: An ordinance to amend certain sections of Chapter 38 of the City of Shreveport Code of Ordinances relative to housing and property standards and to otherwise provide with respect thereto. (*Postponed September 26, 2006*)

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Green to table. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

5. **Ordinance No. 150 of 2006**: An ordinance enacting Section 2-51 of the Code of Ordinances relative to qualifications for members of Boards and Commissions, and to otherwise provide with respect thereto. (E/Hogan) (*Postponed September 26, 2006*)

Having passed first reading on September 12, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Jackson.

Amendment No. 1 to Ordinance No. 150 of 2006

By: Councilman Hogan

Amend Section 2-51 (b) to read as follows:

(b) No member of any board, commission or other body, and no member of his immediate family, or legal entity in which he has a substantial economic interest, shall be a party to a contract to provide goods or services to the City of Shreveport at any time during which said member serves on such board, commission or body.

Motion by Councilman Hogan, seconded by Councilman Lester to adopt Amendment No. 1 to Ordinance No. 150 of 2006.

Councilman Jackson: Mr. Chairman, we were passed earlier, it was passed out a decision from the State Ethics, well not a decision, but a quote if you will that was extracted from the State Ethics Code that dealt with contracts to Board Members. And I guess my question Mr. Chairman is to Ms. Glass, whether or not we felt as if, I mean, I don't know obviously, Mr. Hogan asked you to find this, but I guess my question is does this go far enough that which already in the State Ethics Code, so that we didn't have to incorporate it into - - - necessarily into any kind of local laws or anything. Are we in fact covered, by the State Ethics Code holds us to, or holds these particular individuals to?

Councilman Hogan: Well, I may need you to comment in a minute Ms. Glass, but the way I appreciate the state law is written, the ethics law, it does not go as far as we want it to. And this takes it to the next level. Instead of someone just being able to get on a board, and not

do business with what the board is about, they can do business as it stands now, outside of the realm of the responsibility of that board. And this takes that away.

Councilman Jackson: Ms. Glass in your opinion, Mr. Chairman, may I continue? Does that sufficiently cover my concern, because my concern is that it doesn't go too far. That it simply means that if I serve on the Airport Authority, that I can't do business or make money from the Airport. Is that all it says?

Ms. Glass: No, Mr. Jackson, I think Mr. Hogan's intention was to go further than the State Statute, so that if you are on a board or commission, with the state statute, you can't do business that's under the jurisdiction of that board or commission. Mr. Hogan's ordinance takes it further, and says that you can't provide goods or services to other departments of the City, with the amendment.

Councilman Jackson: Mr. Chairman, with all due respect, I just think that goes too far, and we actually end up limiting people who are serving. That would suggest that business people who've been good business people and who've been good citizens, or who even have a desire to serve, could not do so because making money in some other area - - in SPAR, if they're on the Airport Authority, yet they have contacts at SPAR, they can't serve on the Airport Authority, because they make money from working with SPAR. I mean, I'm just not sure that it encourages a lot of business owners who do business with the city to also be willing to serve. Because most times, we ask people to serve, it's not so much them just volunteering for service, but we ask them to serve as well. And so it certainly just limits the pool of people, but more than that, because I think we've got lots of citizens who could participate. So, it's not like we're at a deficit, but I'd just want to be sure, we have not I guess, arbitrarily drawn a circle around people because of how they make a living. As long as it does not present a conflict of interest, and in that regard, I really think the state law goes far enough that keeps us from conflicts of interest.

Councilman Walford: I'm going to have to agree with Mr. Jackson, and if I may ask you Mr. Chairman as the author of this, I don't understand why we want to make it more restrictive, if the state law provides that a person who serves on a board can't do any business nor can their family members do any business, that's under the jurisdiction of that board, why are we reaching out to go farther and limit the number of people available to serve on these volunteers boards?

Councilman Hogan: I don't think it's a matter of limiting the number. There's plenty of people, I've been approached in the four years I've been on the Council about people that have asked to serve on various boards and committees. I don't think we're lacking in any - - -

Councilman Walford: Okay, let me rephrase then. What is the purpose of doing this? Why do we want to make it more restrictive?

Councilman Hogan: Well, the main purpose in doing is to take us above reproach. And let me explain what I mean. You know if there is someone that's doing business with the city that's away from that board or committee. The perception I think, there is a doubt in the public's mind that, that person could be objective in their voting. If they're doing business with the city in another way. It takes away any perception of any impropriety. Perception is the key word. I don't know of any example, I can't name you an example where someone has served on a board or a committee and they have been influenced wrongly, or something has - - - you know influenced by the Administration or anyone. It's something that I've observed since I've been on the Council, that I feel like we could take to the next level and be of above reproach. And the perception in the whole state is that we have good ole boy politics. That's what we just finished almost an hour conversation on. And so, I'm trying to take it to the next level, and Councilman Walford, you made a great point when you brought up about the Airport Authority Board. And I

thought we had everyone satisfied. I thought Julie Glass did a great job of crafting that ordinance, and I thought you were pleased with it up until now.

Councilman Walford: No, I wasn't pleased, it took care of that one issue. But I still don't understand, and I think Mr. Jackson made a great point and actually I could call some names, but someone on say the Airport Authority is prohibited from doing business with SPAR. Does that really serve the city? Trying to understand where we're going with this, other than to tighten it up. But the state ethics law has served us very well. I just - - - I'm at a lost to understand why we're reaching so far. I can certainly understand and I think the ethics law is excellent that no one who serves on a board or commission should be able to do any business in any way related with that board or commission. But why do we take them out of the realm of doing any other public business? Does that best serve the city?

Councilman Hogan: I think it does, in my opinion.

Councilman Walford: But you can't give me an example of how.

Councilman Hogan: I've already tried to tell you that. It takes away any person that could be influenced by someone or whoever appointed him. I'm not accusing the Administration of anything. But what if this person did business with the city, how can they be objective? If they're doing business with the city in another way, the question remains in the mind of the public, can this person be objective in the way that they vote on the committee? I don't know how to explain anymore clear.

Councilman Walford: I'm still - - - it reaches so far Councilman, that I'm having trouble understanding it. Lets take away the person involved, but we're reaching out to that person's family, so if someone serves on a board and has a brother who is in a business, we're going to reach that far. We're going to prohibit that person from serving if they have a brother, a son-in-law, anyone that might serve, that might do business with the city. I guess I'm just confused why we're doing it, other than your perception. We can't cite a problem, but we're going to prohibit it. I think we're truly limiting the people who are will serve on the volunteer boards that we have. There might be a lot of people out there that want to serve, but it's going to take a stretch to make sure that none of them have a relative that is doing any type of business with the city.

Councilman Hogan: Well, I don't think it'll be a matter of having someone research the family tree of this person.

Councilman Walford: Well then there - - -

Councilman Hogan: But it'll be - - - Just a second.

Councilman Walford: No, I've got the floor. It'll be a violation.

Councilman Hogan: I'm trying to explain it to you, if you'll allow me to explain.

Councilman Walford: Go ahead.

Councilman Hogan: Okay, I'm not saying that whoever goes through the application should check the family history of this person, see if anybody's ever done business, but Ms. Glass, it does say though any immediate family member, spouse or otherwise? Would you allow her to - - -

Ms. Glass: It says immediate family member which is defined in the state statute, I don't have it right in front of me, but it specifies which person are considered immediate family.

Councilman Hogan: Okay, and if I may continue, it's going to be up to this person when they - - - when they're interviewed or whatever, when they ask the question, do you have a family member that does business - - - we're going to take them at their word. We're not going to put them under oath, and then interrogate them. But all it does, it takes us to the next level of

integrity in my opinion. And if you disagree with that, I'm okay with that. If you have to vote against it, we'll still be friends.

Councilman Walford: Well, I'm still reaching for - - - I think there are a lot of places that this is going to reach. It's going to reach the law firms that the city might use, it's going to reach a long way, and I'm not sure that your intent is to make it - - - I don't know, you can state your intent, but it looks to me like it's going a lot farther than we need it to go, and we're going to find a lot of people potentially in violation of the ordinance where they certainly don't intend to.

Councilman Lester: Thank you Councilman Hogan. I personally don't have any heartburn with this to be honest with you. The state ethics laws are pretty clear, and Shreveport is under the home rule charter, so we're not under any obligation to do any less than the state requires, and if we decide to go further, then we have the ability and right to do so. What we cannot do is do anything that's in conflict with the state ordinance. And as I researched this, this particular ordinance does not conflict with the state ethics law, so I don't have a problem with that. I mean, at the end of the day, there are plenty of people in the City of Shreveport that would want to serve on boards and committees, and commissions. Everyone does not have to be someone that does business with the city and provides goods and services to the city. I mean certainly none of us, and when I say us, I'm talking about any of the seven of us on the Council can do business with the city, nor can any of our immediate family members, and I think that's for obvious reasons. The other thing that, and I'm not saying that this has happened in the past, and I certainly have - - - I don't know where Councilman Hogan was coming from, but the reality of the situation is this. If there was an issue that came before a particular board or commission, and that member of that board or commission was doing business with the city, we are kidding ourselves to believe that the fact that they have a financial interest in doing business with the city, they're not going to be swayed. Their voice is not going to be a truly without being lobbied by the fact that they are deriving an economic benefit from the city, period. And for us to say or to think otherwise is kidding ourselves. We're not saying that, that has happened, but we're kidding ourselves to think that that does not or could not open itself up. And I think when you appoint people to these boards and commissions, what you're looking for is someone that is going to look at the facts, make a decision irregardless of what's going on with themselves and their family members. You want someone that's just regular Joe Citizen, that might have some technical expertise as I appreciate it, your plumbers have technical expertise, and the people on the electrical board have technical expertise, but certainly if I'm a member of - - - and again, I don't know of any instances, so let me put that caveat out there, but lets say I'm a member of the widget board that decides the quality and scope of the widgets that are going to be dealt with in the City of Shreveport. And no, I do not sell widgets to the City of Shreveport, but I have a contract with SPAR to do something else. If I want to continue to keep my contract with SPAR, someone from the Administration, or someone that's allied with the government can say, you know what, I really would want you to vote this way, and you know what, don't worry about the fact that you are making \$20,000 or have made X amount of dollars through your business ventures with the city. That person is going to get the hint and they're going to vote the way that the people footing the bill are telling them to vote. It happens all the time in regular life, and I'm not saying that that has been the case with this Administration, I'm not saying that at all. I'm not casting any aspersions on anyone. But what Councilman Hogan, as I appreciate it, calm down fellows, calm down. What I think Councilman Hogan is trying to do is close what he believes to be a procedural loophole, and I think that's what this particular amendment does. Now, either you will decide that that is a situation that you're comfortable with and you won't vote for it, or

if you would like to see the loophole closed, you'll vote for it. And I think it really is just that simple, and I would not and do not try to look into what his motivations are, but I think it's something that I - - - I mean I don't have any heartburn with it, and certainly none of us could have a dog in the fight, cause none of our family members, immediate or otherwise or any legal entities could have anything to do with anything with the city anyway. So, I just think that if this is what his intent is and I believe that's what it is, and I believe it to be honorable. I think that this is something that we can do, and certainly it does go farther than the state law, but certainly because Shreveport is under home rule charter, we can do that. And so, I just wanted to say that, and I will be voting for his amendment and for the ordinance. Thank you Mr. Chairman.

Councilman Jackson: I appreciate the comments by Councilman Lester as I do yours Mr. Chairman. The only problem is, it doesn't do what you said it was going to do. Because the Chairman has suggested that it takes us to another level of integrity, which I think ought to be a pursuit. The problem is, it doesn't do that. And it doesn't do that because for example, if a person is serving on a board, we said the individual can't do it. And perhaps, I would even have an argument about that perhaps, but if I were compromising, I'd be for that. The idea that this person's family, here is this person that's a volunteer, and this person's family, he can't affect what happens with SPAR, he's on the Airport Authority, he can't affect what happens with SPAR, but his son, daughter, brother or sister, can't do business at SPAR, because he's a volunteer on the Airport Authority. To me, that seems like that's going a long way, and let me tell you the paramount issue that I have with that. I would suggest to you that it's less likely that my brother would get the job or get a contract than my best friend. Who is in no way, shape or form, kin to me. And that does not limit the reproach connected with my friendships at all. It does to my kinship, but I would argue that what most people have problems with hardly have to do with kinships, as much as they do with friendships. We don't have anything that covers my best buddy, doesn't have anything that covers my next door neighbor, have nothing that covers my church member, who I regularly or am collegial with. None of those kinds of things. So, to suggest that it simply limits our family, and that that in itself, gets us beyond the very appearance of impropriety, I think is far reaching. Not sure that it actually does what we suggest. Further, Mr. Chairman, it would be different as well, if we had qualifications. How do we even select people to serve on these boards. We don't select them because they're the best qualified people. We select them, and again, now I've put myself in the position of the Mayor, and Mr. Mayor, you just have to excuse me, because they were people who were friends. They were folks who I had confidence in, they were folks who supported me when I ran, they were folks who were - - - I mean, we don't talk about it, but that's the reality of it. We're not going to survey or assign our enemies, and folks who are trying to castigate us, but we say, Calvin is a good guy, Monty's a good guy, I want you to serve on the Highland Board, and I mean, he may be renting an apartment. He may not know much about a house or anything. But that's not a prerequisite, and so we don't have these high standards of qualifications for these persons, number one. So, by and large, it becomes an issue of friendship or relationship or some particular kind. And these are in my opinion, these are volunteers, and I think Councilman Hogan's attempt is an honorable attempt, but I just think it doesn't hit the target. I mean, I think its symbolism that we're indeed trying something, but it doesn't hit the target. Because I would guarantee you that you've got more issues. People, particularly somebody who is trying to be slick would be less likely to put their family member in it, than they would their next door neighbor, their best friend, folks we have not put anything out there to say we're going to stop. And let me tell you, that doesn't put us that far above reproach. It just simply says what is

logical. That if you're serving on that board, your wife ought not have a conflict, because you do influence that. It's a matter of what we influence, and it's a matter of what those individuals who are serving on those boards influence. That's the bottom line. Can that influence be for sale, and whether or not that person can be objective. I don't know that this gets us there, because again, it may not be my son, but it certainly can be my next door neighbor. Just not sure that that's above reproach either.

Councilman Walford: And I applaud your intent. I'm nitpicking it because I saw some holes. You've fixed most of it, and I'm going to support your ordinance and your amendment, but I think we may have to address it again, because I think there are going to be some incidents where it's not going to work in 'our,' meaning the City of Shreveport's favor. I think there's going to be some incidents with SPAR, and some others where we're going to find ourselves wishing that we weren't bound by this or someone serving in a position, and is going to be concerned that they're going to get caught up in something as innocent as it can be. I applaud you for doing it. I thank you for doing the amendment to address my issues. The more I've thought about it, I still think there are holes that we may have to come back and address in your ordinance and amendment.

Councilman Green: Mr. Chairman, I had pushed my deal to vote yes, until Councilman Jackson lobbied me, as to there was nothing in there to cover best friend. And so, because I mean he made a valid point, and those are the logical folk that will get the work and make the money, if in fact we could amend it to go to best friends, and then that would just broaden it, then I would have to support Councilman Jackson, because here again, if we really actually listen to what he's saying, that's who we would put, would be my best friend, or my cousins best friend. So, I have to not support it.

Councilman Carmody: Could I ask Mr. Strong to come forward for just a moment please, I think he's got a couple of best friends. Oh you only have one? Please don't mention it, you'll alienate the other. First and foremost, I want to ask you a couple of quick questions, because as I read it, I do think that it's good that we strive to make sure that we're above reproach when we have appointments to different boards. But the question that I wanted to ask you is specifically regarding those professional boards, the electrical board, our plumbing board, and those persons at least, it appears to me over the last eight years have normally been persons who are - - - you might help me with this, because again, I'm not familiar with how the trades work. But they're not journeymen in their trades, they are more masters, and it seems like that we traditionally get persons who are known in the community for being experts in their fields. And in some instances, I can recall that those persons either are in the business still or have transferred their businesses maybe to their children and that type of thing. Do you see where this could end up being a problem for future administrations to try to fill these positions, if we put this type of restriction on appointees?

Mr. Strong: I don't think there's going to be any question that we're going to have an affect even with the people that are on it. Like the plumbing board, electrical board, mechanical board, because what's we're seeing is that I know that we have plumbers or plumbing contractors that are on the board, and yet they're on a project that the city is bids out, and it may be a sub for somebody, but they could not do that. I know that we have in Water and Sewerage, we rotate plumbers that we use to do specific jobs in the city. So, I know we're going to have to look at that. And I know it's going to affect some of the people that we have on our boards.

Councilman Carmody: And that was my concern would be, if we more or less reduce the potential appointments to persons who were kind of retired and outside of doing business

anymore, is that going to affect the service that they can render as far as being up to date and current with whatever their expertise is supposed to be in that field?

Mr. Strong: If you're trying to get me to address age, or persons - - -

Councilman Carmody: No sir, no not at all.

Mr. Strong: Councilman, you know you look at these things, and yes it's going to have an affect on - - - it's going to have it on I know the plumbing and I know it on the electrical side, but I think it's whatever the Council wants, and we're going to have to address it one way or the other.

Councilman Hogan: Mr. Strong, I just had a quick question for you. Do you know the person on the plumbing or electrical board that would be affected by this?

Mr. Strong: Yes.

Councilman Hogan: I'm not talking about somebody - - -hold on just a minute, I'm not talking about somebody like you said does business as a sub or a part of a sub company, or whatever. I mean that's already prohibited by state law. But who do you know that does business with the city?

Councilman Lester: I don't think we should call names.

Mr. Strong: Excuse me, about what is prohibited by state law?

Councilman Hogan: Where they're doing business with what the board is about, is what I meant to say. If I understood you a moment ago. You already answered the question. We'll leave names out of it. How about a number. How many people are there on the plumbing or electrical board that does business with the city outside of the realm of the responsibility of that committee?

Mr. Strong: I could not give you a number without (inaudible). I do know that we have them on there, that are doing business with the city.

Councilman Hogan: In what capacity?

Mr. Strong: I can pull you - - - I mean, I've got plumbers that would be having a plumbing job, that the city would be called.

Councilman Hogan: That's already prohibited by the state.

Mr. Strong: They're not doing it on that - - - not on that certain board as far as with the building side, but I know that we have rotated jobs, I know that we have contractors that would be building part of a construction job, that would build that side of it - - - that would be bidding that side of it.

Councilman Hogan: Okay. Alright.

Councilman Jackson: So, Mr. Chairman, it was my understanding that there was some sense of consensus that it does affect some people, it would affect some people based on what Mr. Strong has said.

Councilman Hogan: According to Mr. Strong. Mr. Kirkland, do you have something to say?

Mr. Kirkland: I'll make this brief. But I've got 16 volunteers. Half of those are from Parish appointments, the other half from the City on the two boards. Mr. Walford, I don't know if when you were ever a ZBA member, if you ever did any business with the airport in terms of selling them a part or whatever. I've got an engineer on the MPC, Dale Colvin. Works for AEP SWEPCO. Does that mean, that he can't do any business through AEP with the City about right of ways or - - -? I've got other professionals, real estate brokers. Does that mean, they can't ever sell or buy a piece of real estate from the City of Shreveport, or involve themselves in something like that, or - - -. I can tell you from 26 years of experience, and I've watched a lot of

Mayors try to find appointments, and this one is no exception. It's not easy to even find a citizen that wants to do it, much less find someone that's in a conflict or a potential conflict if we go this far. I can also tell you, the state code of ethics of Louisiana is one of the toughest in the U.S. It is absolutely, and we've had members who've had to resign from one or more boards because of that. So, it's a good law, it's a tough law, and in all I think Councilman where you're trying to go and those who would support it, it sounds good, but when you make these sort of changes in law, that may preclude a number of citizens from serving to their credit and to our city's credit on these sort of different boards, and institutions, and I think you really need to think even more about these changes. For example, most states go to disclosure rather than to refusal to let people serve. They simply say, well, if you've got any sort of conflict, you've got to disclose that before you vote. In any event, I really can't see - - - I don't know how in the world, we would ever find appointments in many cases because you go through all the aspects of government, and I presume it would affect the Parish appointments as well, to the MPC and ZBA since we're a joint City-Parish agency. But I really - - - I don't - - - I just have to recommend to the Council from my experience, that our current laws are serving us well. And I'd hate to see us lose, or me lose, people like Dale Colvin and others because those folks bring a certain level of expertise to those boards. That's really all I've got to say.

Councilman Hogan: Mr. Kirkland, I have a comment for you. You know whether - - - if it does pass, and I'm going to be gone November 28th.

Mr. Kirkland: I understand.

Councilman Hogan: And I'm not leaving the town, and I'm not changing my phone number, and my commitment to you in front of these people, and in front of the City, my commitment to any future administration, any chairman of a board or committee, you call me, and I will help you find somebody. Because there are people out there that will serve. That's my commitment to you. So, if it passes, don't forget that.

Mr. Kirkland: Well, I may have four or five that have to leave if this law passes.

Councilman Jackson: Let me say, I think Mr. Kirkland may be able to answer this or maybe you can just kinda see what I hope is the wisdom of it. When you have blended boards, i.e., the MPC, ZBA, or the Port Commission, some of those folks are appointed by us, others are appointed by others. It's possible then to have two standards for those appointees. The Parish folks could do business, the Parish or the City, whatever the case may be, because there's nothing to govern that. There's not coordinated ordinances and/or laws that makes it over arching at the Parish level. And here's a person that can volunteer, but because the City appoints them, they can do business. And I'm sorry, I don't want to get on them, that brothers can't do business because they've been appointed, where someone else on the commission, on the Port Commission, or the MPC, their wife can be doing business upstairs or down the hall, I mean down the street, because in fact, they serve in the same capacity, but we have now put different standards of service or qualifications if you will, of being able to, if you qualify for this appointment from the City, then you would from the Parish. When in fact the Parish's appointment could be a City of Shreveport resident, who then is able now, Councilman Lester I think used the term, to now use a loophole. Because they in fact were not in fact were appointed by the Parish, but could do exactly what we've said we want to try to avoid. So, again my issue becomes is that in fact still a loophole that exist, because I think your effort and what Councilman Lester articulated was to close all the loopholes, and then make it impossible if not just difficult to be able to circumvent the law.

Councilman Hogan: I would encourage the Parish Commission to adopt this law. Now is it a perfect law? No, it's not perfect. Somebody could find a way around it, somebody's best friend or whatever, it's not a perfect law. It's an attempt at what I've already explained. To go to take our integrity and character to the next level so there will not be any doubt of what I've heard in the four years I've served on this Council, there has been some doubt, a cloud in the air whether when someone's doing business with the City, and they're on a board or a committee, they are influenced because of that. That's the bottom line.

Councilman Jackson: I'm fine with it, but I'm just - - - I'd hate to hurt my brother because I'm serving as a volunteer.

Councilman Walford: I'd like to offer a substitute motion to postpone for two weeks, if I get a second, I'll tell you why.

Substitute motion by Councilman Walford, seconded by Councilman Green to postpone.

Councilman Walford: I think we're creating a problem here that we don't need to create. We've heard from Mr. Strong, you see Mr. Kirkland out there nodding his head. What we very easily could do is create a situation where we could have no MPC decision, or no ZBA decisions next month. Because those people would be in violation of the ordinance, and they certainly would not want to serve and make a decision so a lot of folks that would like a decision wouldn't get it, because new nominations would have to come forward. The Council would have to confirm them, just to them a quorum to operate two boards that we've heard about from Mr. Kirkland right now. So, I think we would be better served to postpone for two weeks. Have Mr. Strong, Mr. Kirkland submit names that it looks like this will create a problem for, and lets decide if we're doing the best thing.

Councilman Green: I have a Point of Order.

Councilman Hogan: What's your Point of Order?

Councilman Green: My Point of Order when he made the motion, and I seconded it, you didn't carry it.

Councilman Hogan: I didn't carry it?

Councilman Green: No sir, you just let him talk. You didn't carry the motion, we didn't vote on it.

Councilman Hogan: Well, we have discussion after that.

Councilman Green: No, but you didn't say moved or seconded, you just let him talk.

Councilman Walford: I'm sorry Mr. Chairman, that was me that kept talking. I was out of order, but I would like to be recognized.

Councilman Hogan: That's not a big deal, we're not going to split hairs.

Councilman Carmody: A very quick comment. I think the language is incorporated in this legislation. 'no member of his immediate family, or legal entity in which he has a substantial economic interest, shall be - - -,' I think we ought to retain that language and incorporate it into the discussion on the Council Administrative Staff that's going to be assigned, and I think that should certainly be part of the discussion. I don't know that any of us up here today will actually be part to vote on that, but I think that that particular language would be important to carry into any discussion as far as the qualifications for those positions.

Councilman Hogan: Thank you for that comment. Mr. Thompson, Julie, that would be a separate issue.

Ms. Glass: That could be offered as another amendment.

Councilman Hogan: I would urge a “NO” vote, I would like to get this voted on today.

Substitute motion denied by the following vote: Nays: Councilmen Carmody, Robertson, Green, and Jackson. 4. Ayes: Councilmen Lester, Walford, and Hogan. 3.

Councilman Hogan: So, now we’re going to vote on the amendment?

Mr. Thompson: That’s correct.

Councilman Hogan: And the motion was by Councilman Walford, and - - - Mr. Thompson, who did the original - - -

Councilman Lester: Oh, on the amendment, you moved for the amendment, I seconded.

Councilman Hogan: Councilman Robertson, did you get that?

Councilman Lester: On the amendment.

Motion to adopt Amendment No. 1 to Ordinance No. 150 of 2006 denied by the following vote: Nays: Councilmen Carmody, Robertson, Green, and Jackson. 4. Ayes: Councilmen Lester, Walford and Hogan. 3.

Councilman Hogan: I’ll make a motion as amended.

Councilman Lester: The amendment failed.

Councilman Hogan: I beg your pardon.

Councilman Jackson: It’d have to be just on the Ordinance as it’s written.

Councilman Lester: I’m going to ask for a substitute motion to postpone.

Councilman Walford: Second.

Substitute motion by Councilman Lester, seconded by Councilman Walford to postpone Ordinance No. 150 of 2006.

Councilman Green: Mr. Chairman said he wanted it to pass today.

Councilman Lester: Well, I can’t count, but it don’t look like that dog’s going to hunt.

Councilwoman Robertson: What’s happening?

Councilman Green: Didn’t you say you wanted us to deal with this today, and since it’s yours, we need to deal with it today?

Councilman Hogan: Well, you know I might just want to change my mind.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Hogan. 4. Nays: Councilmen Robertson, Green, and Jackson. 3.

Councilman Hogan: Hopefully, we’ll hear this at the next meeting.

Councilman Walford: Mr. Chairman, I would be happy to discuss this with you during the next two weeks, and lets see if we can’t tweak it.

6. **Ordinance No. 151 of 2006**: An ordinance authorizing the donation of City-owned property to the Housing Authority of Shreveport and to otherwise provide with respect thereto. (A/Lester) (*Postponed September 26, 2006*)

Having passed first reading on September 12, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Green to postpone. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

7. **Ordinance No. 154 of 2006**: An ordinance creating and establishing a speed limit of 45 MPH on Wells Boulevard from North Thomas Drive to Airport Drive and on North Hearne Avenue from North Market Street to North Thomas Drive and to otherwise provide with respect thereto. (A/.Lester)

Having passed first reading on September 26, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Green to postpone.

Councilman Lester: Mr. Strong, could you come up for just a few minutes please sir? Thank you. On yesterday, we talked about this briefly, and to the Council, I'm asking for a two week delay because this issue involves some people in the Cherokee Park area. And I have not had an opportunity to discuss it with them. And what we're doing with this as I appreciate it, is raising a speed limit in an area going - - - that's contiguous with this residential area, so I want to check with some of the folks over there before we do that. But in the spirit of this Mr. Strong, I would ask - - - much has been made about the very unfortunate incident that happened on North Market some weeks ago. And what my question to you is, what can we do to look at some remedies in terms of maybe lowering the speed limit out there? I know that there is a process, I'm not exactly familiar with that. Can you kinda tell us what I would need to do to empower you to kinda look into that situation?

Mr. Strong: Probably the main thing is request that we look into it. Now, North Market is going to be different that what we're talking about here on Jack Wells, because North Market is a state highway. And we would be working with the state in looking at it. But by requesting that, I mean, we can get with the state and get them involved in the process if that's what you're wanting to.

Councilman Lester: And I would really appreciate you doing that, because I've talked to both some of the families on both sides of that tragedy. And in talking to people that live up there, and just remembering my own experience from living up there, I think we've got to do something in that area with the speed limit. I was talking to some of the police department traffic patrol officers, and they're telling me that routinely when they're called out there to kinda look at the traffic situation in terms of speed, that's a 55mph deal, but routinely, they're writing tickets to people who are going 70mph as you are coming into the city. And you've got those apartments on both sides of the highway, you've got the residential neighborhood, and we had that very unfortunate incident. And I hate for us to have to have a tragedy to make us look at something, but it would be less than responsible if you've had a tragedy like that not to do so. So, I would just appreciate you taking whatever steps that you could to get with our state folks to look into that. I really do appreciate it.

Mr. Strong: We will, and what I'd like to do is get with you and kinda get specifics of what you're looking for.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

8. **Ordinance No. 124 of 2006**: ZONING APPEAL C-18-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the east side of North Hearne, 1,540 feet north of Hilry Huckaby Avenue, Shreveport, Caddo Parish, Louisiana from R-A, Residential-Agriculture District, to R-A-E Residential-Agriculture/Extended Use District, Limited to “Concrete Crushing and Product Storage” only, and to otherwise provide with respect thereto. (A/Lester) (*Postponed September 26, 2006*)

Councilman Lester: My e-agenda is not functioning. Okay, Mr. Chairman, Mr. Thompson, I'm going to ask that we adopt the MPC, but I'm going to ask for a "NO" vote, because I want to overturn the decision of the MPC. Is that the correct procedure?

Mr. Thompson: It would be to adopt the ordinance, but you would ask for a "NO" vote.

Councilman Lester: That's my motion Mr. Chairman.

Having passed first reading on September 26, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Green to adopt.

Councilwoman Robertson: I have a question. If either Mr. Blount or Mr. Wray, I've got a question whoever wants to - - - I know when we first had this, and we had remanded it back, one of the discussions that we had was the possibility of having a once a month type spelled out for the residents. And I understand that's not - - - that didn't come back. What took place with that? Did y'all decide?

Mr. Wray: No, we had extensive discussions about this with Mr. Kirkland and others, and we looked at internally and in terms of whether it was practical or not. Mr. Blount has no control over the flow of product into the site that's brought by the City, that's brought by private individuals, by other concerns in the area. Once that builds up then it needs to be dealt with. We sort of compromised on this issue in the sense that we're limiting the height of the stockpiles, in order to then keep the stockpiles below the plantings that will shield it from view by the highway. So, in that sense, we can't be restricted then, and the frequency that we can operate in order that we can maintain the piles at a lower level and address the issue about view.

Councilman Carmody: Mr. Wray, I'm sorry. Very quick question for you. I appreciate the fact that the operator cannot control the flow of the product coming into the site, but I want to qualify this. He can control when he processes that slag concrete with a crusher, correct? I mean he's not going to be out there on a Sunday morning at 7:00 because Saturday afternoon somebody came in with six truck loads and caused the height of his pile to exceed what the vegetation that you're planting - - -?

Mr. Wray: No he can't because the stipulations that were imposed by the MPC restrict his operations to certain hours during the day and not on Sundays at all.

Councilman Carmody: Right, and again it's a matter that he is under a restriction as to operational hours of when he processes that concrete through the crusher?

Mr. Wray: Absolutely. And he'll have to address that issue before it gets to that level on a Sunday. And in fact, if I understand correctly, all operations at the site are restricted on

Sundays, not just crushing, but the idea is that after hours and on Sundays, there'll be no operations on the site.

Councilman Carmody: Well, and the reason that I bring that up is that I know that there was some concern about people attending services on Sunday and not wishing to be disturbed, and I just wanted to make sure we had that on the record, that indeed that's not a part of this business. Thank you sir.

Councilman Lester: Mr. Chairman, I just want to clear up one more issue before we vote. And Ms. Glass is not - - -.

Mr. Thompson: She's not here, she stepped out for a minute.

Councilman Lester: Okay, there were some - - - just to make the Council aware, there was some conversation at the Work Session on yesterday. We had some conversation relative to the letter from Mr. Wray relative to the ability for the Council to actually take this matter up, in terms of whether or not we could vote for this or not. And I believe that our advice from our legal counsel was that we wouldn't, we were in a position that we were able to vote, we were able to vote for this. And it's not offensive to our statutes or our ordinances for us to vote on this issue. And I believe we got that from both Ms. Glass and from Mr. Lafitte, which was our legal counsel from the City Attorney's office. So, I just wanted to make the record complete that that's what - - - where we were in terms of whether or not we could vote on this particular issue. And Ms. Glass, I was just wanting to complete the circle, make the record complete in terms of the question that was asked on yesterday, whether or not the Council was in a position that we could legitimately stand as an appellate board relative to this particular issue, and I was just basically clarifying that your opinion, and the City Attorney's opinion, that we could and we were in a position to vote for this. We could take this matter up.

Ms. Glass: Mr. Chairman, yes, that is correct. It is an amendment to the zoning ordinance which has to be done by ordinance which is the Council's prerogative.

Councilman Lester: Okay, thank you. I have nothing further. Again, I'm asking that we vote "NO" on this, to overturn.

Motion denied by the following vote: Nays: Councilmen Lester, Walford, Robertson, Hogan, Green, and Jackson. 6. Ayes: Councilman Carmody. 1.

9. **Ordinance No. 126 of 2006**: ZONING APPEAL - C-67-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the south side of Jordan 150 feet west of Creswell Avenue from SPI-1, Highland Urban conversation District, to SPI-1-E, Highland Urban Conservation/Extended use District, Limited to a "Boarding House" only, and to otherwise provide with respect thereto. (B/Walford) (*Postponed September 26, 2006*)

Mr. Thompson: Mr. Chairman, I believe that we received a notice to withdraw this appeal, we discussed it on yesterday.

Councilman Walford: Mr. Chairman, there was a letter to withdraw it. I spoke to both parties, but if it's necessary, I'll make a motion to withdraw it.

Having passed first reading on September 26, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Walford, seconded by Councilman Carmody to withdraw. Motion approved

by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

10. **Ordinance No. 128 of 2006**: ZONING - C-66-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the south side of South Lakeshore Drive 940 feet west of Pines Road and extending back to Long Timbers Road, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-Family Residence District to R-1D-E, Urban One-Family Residence/Extended Use District, **“Limited to two (2) horses”**, only, and to otherwise provide with respect thereto. (A/Lester) (*Postponed September 26, 2006*)

Councilman Jackson: Mr. Chairman, if you could indulge me for just a moment, I'd like to ask if Mr. Thompson could finish reading it. I received an email as well, I know Councilman Walford always talks about it, but I read an email myself from an anonymous caller who had asked about that. So, if you could just - - I hadn't said anything before because we pretty much had gotten through the statement, but for the purpose of folks who say they listen or watch on television, they'd like to know what we're voting on, if you will.

Having passed first reading on September 26, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Walford to adopt.

Councilman Hogan: Councilman Lester, do you have any comments?

Councilman Lester: No, I'm for it.

Councilman Hogan: You're for it?

Councilman Lester: Yes, I'm asking for a "YES" vote.

Councilman Hogan: You're asking for a "YES" vote. I know the applicant came and spoke to us I believe last Council meeting. I just had a question for you, I'm not trying to put you on the spot.

Councilman Lester: I don't have a problem with that (inaudible)

Councilman Hogan: My mind goes back to the chickens, and I'm not trying to open up a can of chickens or a can of worms or anything, but I know you emphatically said that you wanted us to be a City and not a Town.

Councilman Lester: Absolutely.

Councilman Hogan: And so, how can we still be, if we allow the horses, how can we still be a City, if we didn't allow the chickens?

Councilman Lester: I can answer that very easily. Shreveport has always been described as a one horse town, and if you vote for this, Shreveport will be a two horse town.

Councilman Walford: Or a two horse city.

Councilman Lester: We are growing.

Councilman Green: That's good enough for me.

Councilman Hogan: You won the prize with that one.

Councilman Lester: I do appreciate that.

Councilman Hogan: Any other questions or comments?

Councilwoman Robertson: I had asked a question about this, and I understand that he's part Parish and part City. And so that may be - - -

Councilman Lester: In all seriousness, I can answer that. One of the issues that we had is part of this parcel of land is in the Parish, part of it is in the City. And the city, and the city portion interestingly enough is in District A. And then you have the Parish portion and right beyond the Parish portion is District G. It's one of those kinda weird curvy things. One of the chief opponent of the issue is a local minister whose church is in my district, and he and I had extensive conversations relative to this issue. I went to Mr. Miller, and I expressed those concerns, and as I appreciate it, he's going to take the steps necessary to ameliorate the problem that the minister had relative to putting up a fence, and with us not trying to bring the whole parcel into the city, that lowers the level of scrutiny because had we tried to bring it all into the city, there's a whole complicated set of circumstances that we had to do so I think everyone has worked, this is a good compromise, and again, we're a two horse town now. Or a two horse city I should say.

Councilman Hogan: Perhaps we could just keep the horses on the Parish side or something. Just kidding, just a little humor there. Very little.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

Councilman Hogan: Congratulations Mr. Miller. You give free horse rides to children? Alright I'll bring my children out there. We need to quit the humor today.

11. **Ordinance No. 155 of 2006**: ZONING - C-73-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport zoning ordinance, by re-zoning property located 400 feet east of the end of Willow Point Drive on the north side of Lake Pointe Place, Shreveport, Caddo Parish, Louisiana, from R1th Suburban, One-Family Townhouse Residence District to R-1TH (PUD) Suburban, One-Family Townhouse Residence (Planned Unit Development) District and to otherwise provide with respect thereto. (A/Lester)

Having passed first reading on September 26, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Jackson to adopt.

Councilman Lester: If I could ask Mr. Kirkland to come up really briefly. Thank you Mr. Kirkland. As I appreciate it, this is the situation with the doctor that's moving over here, that's taking the two lots, and combining them to build one house and there was a technicality because it was originally a townhouse, but that was not what was planned. Is that correct?

Mr. Kirkland: That's correct. You've described it correctly. Is that in researching that when we were making the change for the doctor, we discovered that the planned unit development had never - - - even though the planned unit development has long since been done, since it's time to correct that error. And so it's just a matter of procedure, but you've described it correctly.

Councilman Lester: Thank you Mr. Kirkland, and contrary to some other people, District A again is on the grow. We've got some people actually moving in from District D to District A. But he's not there so, Councilwoman Robertson, he still has a chance to do what he as to do.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

12. **Ordinance No. 156 of 2006:** ZONING - C-74-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport zoning ordinance, by re-zoning property located on the east side of East Kings Highway 474 feet north of east Bert Kouns Industrial Loop, Shreveport, Caddo Parish, Louisiana, from R-A, Residence Agriculture District, to B-2, Neighborhood Business District, and to otherwise provide with respect thereto. (C/Carmody)

Having passed first reading on September 26, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Carmody, seconded by Councilman Hogan to adopt.

Councilman Carmody: Mr. Chairman, I've not spoken to the applicant and that's kinda why my hesitancy Mr. Kirkland on this one.

Mr. Kirkland: We, of course the Board approved it and don't see a problem with it with it. Any specific questions on it?

Councilman Carmody: No sir, I'm unfamiliar with it. It's not on our agenda. That's why I asked.

Councilwoman Robertson: It is.

Mr. Kirkland: It should be.

Councilman Carmody: Not on ours. They've handed us a printout that has it.

Mr. Thompson: Mr. Chairman, apparently there is a malfunction with the computer system. It did not - - - the e-agenda does not include on some of these screens, some of the computers does not include the entire agenda, and that's why we had to pass out a paper agenda. It is on mine, it is on some of them. But it's a malfunction with the computer system.

Councilwoman Robertson: Thomas I have a picture if you want to - - -

Mr. Kirkland: Let me try to describe it Councilmen if I may. It would be the northeast corner of E. Kings and Bert Kouns. And it's for a long term acute care hospital. Medicare is requiring a number of changes by hospitals and other service providers for those folks who need long term care. And this is one of the first facilities, but it won't be the last. We've got other - - - Christus Schumpter, Willis Knighton, and all of them are positioning themselves to provide this type of facility. But what's been approved, the site plan and the zoning for B-2, they'll be a very attractive addition at that corner. That's not exactly the corner. It's - - - the corner has been reserved, but it's still also not zoned. So, the RA is still on the very corner, but this wraps around the corner, and should be a nice addition to the area in terms of the building presented and Mr. Dowling, Jimmy (inaudible).

Councilwoman Robertson: Is this on the same side as the hospital?

Mr. Kirkland: No, if you take again, the northeast corner of Bert Kouns and E. Kings, there's nothing there. It backs up to - - - it's part of that cotton field area that's been there for a long time. I'm trying to think what's on the veterinarian is on the southwest corner, back removed from there somewhat. Thomas can you think of anything on the - - -?

Councilman Carmody: Yeah, that must be right there where they have the barn where they store all their tractors and everything else.

Mr. Kirkland: That's back up in that area - - -

Councilman Carmody: I mean you said it was not on the corner.

Mr. Kirkland: It's not on the very corner, it wraps around the corner. But there's nothing on this tract, of course we hope one day they will put other development on there. But this is an excellent beginning for that.

Mayor Hightower: Mr. Chairman, I'd like to ask the Council to postpone, and I know Councilman Carmody hadn't had the opportunity to talk about it either, but there's some other development problems at that intersection in particular that we're working on currently.

Substitute motion by Councilman Carmody, seconded by Councilman Walford to postpone. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

Councilman Carmody: I'm sorry Council Members, I just didn't know anything about it, if I did, I would have been able to at least give an opinion on it.

Councilman Hogan: No problem.

13. **Ordinance No. 157 of 2006**: ZONING - C-75-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport zoning ordinance, by re-zoning property located on the north side of Hollywood, 300 feet east of Monkhouse Drive, Shreveport, Caddo Parish, Louisiana, from I-1, Light Industrial District, to B-3, Community Business District, and to otherwise provide with respect thereto. (F/Green)

Having passed first reading on September 26, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Walford to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

14. **Ordinance No. 158 of 2006**: ZONING - C-77-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport zoning ordinance, by re-zoning property located on the south side of Westport Avenue, 620 feet west of Klug Pines Road, Shreveport, Caddo Parish, Louisiana, from B-1, Buffer Business District, to B-3, Community Business District, and to otherwise provide with respect thereto. (G/Jackson)

Having passed first reading on September 26, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Carmody, seconded by Councilman Green to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

15. **Ordinance No. 159 of 2006**: ZONING C-78-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport zoning ordinance, by re-zoning property located on the south side of Lakeshore Drive, 150 feet west of Exposition, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-Family Residence District, to B-2, Neighborhood Business District, and to otherwise provide with respect thereto. (G/Jackson)

Having passed first reading on September 26, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Jackson, seconded by Councilman Green to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

The adopted ordinances and amendments follow:

ORDINANCE NO. 220 OF 2005

BY: APPEAL

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, TO REZONE PROPERTY LOCATED ON THE SOUTHWEST CORNER OF CLEVELAND AND JEWELLA AVENUES, FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT TO B-3, COMMUNITY BUSINESS DISTRICT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that after having earlier been considered and denied at a public hearing by the Shreveport Metropolitan Planning Commission of Caddo Parish, Louisiana, that the zoning classification of Lots 1, 2, 3 & 21 of the Flora Heights Subdivision, Shreveport, Caddo Parish, Louisiana, located on the SW corner of Cleveland and Jewella Avenues, **be the same is hereby changed from R-1D, Urban, One-Family Residence District to B-3, Community Business District.**

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulations:

1. Development of the property shall be in substantial accord with a revised site plan showing landscaping to ordinance standards. This plan shall be submitted to and approved by the Planning Director. Any significant changes shall require further review and approval by the Planning Commission. No permits shall be issued until the revised plan and/or replatting of lots has been approved by the MPC Director or the Planning Commission.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 120 OF 2006

AN ORDINANCE CLOSING AND ABANDONING THE 20 FOOT-WIDE ALLEYWAY LOCATED IN THE JOHN H. FETZER SUBDIVISION BETWEEN WEST LAUREL STREET AND CHESTNUT STREET BORDERED BY EXPOSITION AVENUE AND ALABAMA AVENUE IN SECTION 3 (T17N-R14W), SHREVEPORT, CADDO PARISH, LOUISIANA AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, today the Property Management Section of the Department of Operational Services has received a request to close and abandon the above drainage easement.

WHEREAS, Water and Sewerage Engineering has reviewed this request and has no objections to this closure and abandonment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that the 20 foot-wide alleyway in Section 3 (T17N-R14W), Shreveport, Caddo Parish, Louisiana and as shown and as indicated on the plat attached hereto and made a part hereof, is hereby closed and abandoned. Utility and drainage servitude is hereby retained.

BE IT FURTHER ORDAINED that a certified copy of this ordinance be filed and recorded in the official records of the District Court for Caddo Parish, Louisiana.

BE IT FURTHER ORDAINED that if any provision of this ordinance or the application thereof is invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without invalid provisions, items or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 128 OF 2006

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTH SIDE OF SOUTH LAKESHORE DRIVE 940 FEET WEST OF PINES ROAD AND EXTENDING BACK TO LONG TIMBERS ROAD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT, TO R-1D-E, URBAN, ONE-FAMILY RESIDENCE/EXTENDED USE DISTRICT, LIMITED TO “TWO HORSES”, ONLY, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of Lot 9, Hilltop Subdivision, less S'y portion recorded as Long Timbers Subdivision, Unit No. 3, and Lots 1, 2, & 3, Long Timbers Subdivision, Shreveport, Caddo Parish, Louisiana, located on the south side of South Lakeshore Drive 940 feet west of Pines Road and extending back to Long Timbers Road, **be and the same is hereby changed from, R-1D, Urban, One-Family Residence District, to R-1D-E, Urban-One Family Residence/Extended Use District, limited to “two horses”, only.**

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulations:

1. Development of the property shall be in substantial accord with a revised site plan to be submitted to and approved by the Planning Director. The revised site plan shall show the fence (type of materials to be used) and the specific location of the area where the horses will be kept. Any significant changes or additions shall require further review and approval by the Planning Commission.

2. Approval period is limited to one year from the date that the approval becomes final.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 155 OF 2006

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED 400 FEET EAST OF THE END OF WILLOW POINT DRIVE ON THE NORTH SIDE OF LAKE POINTE PLACE, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1TH SUBURBAN, ONE-FAMILY TOWNHOUSE RESIDENCE DISTRICT TO R-1TH (PUD) SUBURBAN, ONE-FAMILY TOWNHOUSE RESIDENCE (PLANNED UNIT DEVELOPMENT) DISTRICT AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located 400 feet east of the end of Willow Point Drive on the north side of Lake Pointe Place Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from, R-1TH, Suburban, One-Family Townhouse Residence District, to R-1TH (PUD) Suburban, One-Family Townhouse Residence (Planned Unit Development) District.**

A tract of land containing 3.676 acres, M/L, located in Section 32, T18N-R14W, Shreveport, Caddo Parish, Louisiana, being more particularly described as follows: From the ¼ corner of Section 5, T17N-R14W, run N89°47'E along the line common to Section 5, T17N-R14W and Section 32, T18N-R14W, a distance of 208.56 feet to a Meander Corner located on the 172 foot contour line of Cross Lake; thence traversing said 172 foot contour line, run N6°46'W a distance of 125.6 feet; run thence N10°44'E a distance of 162.3 feet; run thence N17°49'E a distance of 173.4 feet; run thence N18°55'E a distance of 122.8 feet; run thence N36°22'E a distance of 112.4 feet; run thence N56°11'E a distance of 54 feet to the P-O-B of the tract herein described; run thence N37°16'41"W a distance of 386.65 feet to the intersection with the 172 foot contour line of Cross Lake; thence traversing said 172 foot contour line of Cross Lake, run N78°12'E a distance of 170 feet; run thence N65°36'E a distance of 369.2 feet; run thence S80°59'E a distance of 86.1 feet; run thence S33°2'E a distance of 72.8 feet; run thence S9°8'W a distance of 80.3 feet; run thence S29°42'W a distance of 102.9 feet; run thence S49°19'W a distance of 189.5 feet; run thence S49°22'W a distance of 112 feet; run thence S63°53'W a distance of 73 feet; run thence S56°11'W a distance of 45 feet to the P-O-B, together with all buildings and improvements thereon, less and except that certain portion of Willow Point Drive dedicated to public use.

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulation:

1. Development of the property shall be in substantial accord with the site plan submitted with any significant changes or additions requiring further review and approval by the Planning Commission.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 157 OF 2006

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE NORTH SIDE OF HOLLYWOOD, 300 FEET EAST OF MONKHOUSE DRIVE, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM I-1, LIGHT INDUSTRIAL DISTRICT, TO B-3, COMMUNITY BUSINESS DISTRICT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of the south 195 feet of Lot 1, Interstate Industrial Park, Shreveport, Caddo Parish, Louisiana, located on the north side of Hollywood, 300 feet east of Monkhouse Drive, **be the same is hereby changed from I-1, Light Industrial District, to B-3, Community Business District.**

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulation:

1. Development of the property shall be in substantial accord with a revised site plan showing a wrought iron fence to be erected on the south property line. (Said fence shall be no less than 5' in height and shall not exceed 6' in height). Any significant changes or additions shall require further review and approval by the Planning Commission.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 158 OF 2006

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTH SIDE OF WESTPORT AVENUE, 620 FEET WEST OF KLUG PINES ROAD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM B-1, BUFFER BUSINESS DISTRICT, TO B-3, COMMUNITY BUSINESS DISTRICT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of Lot 2 of EMC Subdivision, Shreveport, Caddo Parish, Louisiana, located on the south side of Westport Avenue, 620 feet west of Klug Pines Road, **be the same is hereby changed from B-1, Buffer Business District, to B-3, Community Business District,**

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulations:

1. Development of the property to be in substantial accord with the site plan submitted with any significant changes or additions requiring further review and approval by the Planning Commission.

2. Outside storage or outside sales of boats shall not be allowed at this location.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of

this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 159 OF 2006

BY:

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTH SIDE OF LAKESHORE DRIVE, 150 FEET WEST OF EXPOSITION, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1D, URBAN, ONE-FAMILY RESIENCE DISTRICT, TO B-2, NEIGHBORHOOD BUSINESS DISTRICT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of Lots 3, 4, and 5, Blk. 1, K.C.S. Ry. Subdivision, Shreveport, Caddo Parish, Louisiana, located on the south side of Lakeshore Drive, 150 feet west of Exposition, be the same is hereby changed **from R-1D, Urban, One-Family Residence District, to B-2, Neighborhood Business District.**

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulations:

1. Development of the property shall be in substantial accord with the site plan submitted with any significant changes or additions requiring further review and approval by the Planning Commission.

2. A landscaping plan shall be submitted to and approved by the Planning Director.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

Amendment No. 1 to the September 26, 2006, City Council Minutes.

Amend the September 26, 2006 minutes as follows:

Amendment No. 1 to Ordinance No. 139 of 2006 and Amendment No. 2 to Ordinance No. 153 were inadvertently omitted under "Adopted Ordinances and Amendments," as published on October 2, 2006 in the Official Journal.

Insert Amendment No. 1 to Ordinance 139 of 2006 and Amendment No. 2 to Ordinance 153 of 2006 in the September 26, 2006, minutes in the 2006 "Council Book," and to the City Council Meeting Minutes as published on the City of Shreveport/ Council Web Page.

Amendment No. 1 to Ordinance 139 of 2006

Amend the Ordinance as follows:

Section 2 (Appropriations):

In Section 2 (Appropriations):

Under A2006 Revenues@:

In Administration, increase Materials and Supplies by \$5,000 and Improvements and Equipment by \$20,000. Decrease Contractual Services by \$25,000.

In Housing and Business Development, increase Improvements and Equipment by \$16,000.

In Codes Enforcement, decrease Contractual Services by \$32,000. Increase Improvements and Equipment by \$16,000.

Adjust totals and subtotals accordingly.

Amendment No. 2 to Ordinance No. 153 of 2006

Delete section 26-171(a), and substitute the following:

(a) It is the policy of the city to compromise and settle only those claims against the city which, upon investigation, are determined to have legal merit indicating the city is liable to the plaintiff for not less than the amount paid. It is further the policy of the city not to pay interest on judgments of Louisiana courts.

Amendment No. 1 to the September 12, 2006,

Amend the September 12, 2006 minutes relative to Ordinance No. 123 of 2006, as follows:

On Page 12B, Column 5, relative to Ordinance No. 123 of 2006, Delete the ordinance as advertised (the ordinance, before it was amended) and advertise the ordinance as amended (the amended ordinance is printed at the end of these published minutes)

ORDINANCE NO. 123 OF 2006

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY:

BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that sections 218, 219, 220, 238, 239, 619, 638, 639, 640, 658, 659, 678, 679, 680, 698, 699, 700, 818, 819, 820, 839 and 840 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

R-A RESIDENCE/AGRICULTURE DISTRICTS

Sec. 106-218. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

Accessory use.

Art, sculpture, fountains, monuments, statues and/or other similar landscape features; need not be enclosed within a structure, must be in compliance with requirements of section 106-1181.

Dwelling, one-family.

Farming and truck gardening; need not be enclosed within structure (no on-premises sales of items not produced at the site).

Garage sale, limited to periods from sunrise to sunset daily for no more than three consecutive calendar days duration and no more frequent than two such noncontinuous and separate periods during a calendar year for the same building site (municipal address), with a special permit issued by the zoning administrator; need not be enclosed within structure. See definition for additional restrictions.

~~Golf course, but not including commercial miniature course or commercial driving range; need not be enclosed within structure.~~

Home occupation; must be in full compliance with criteria specified in section 106-1124.

Livestock and poultry raising, including dairy; need not be enclosed within structure.
Manufactured home; must be in full compliance with criteria specified in section 106-1126.
Modular home; must be in full compliance with criteria specified in section 106-1126.
Nameplate; need not be enclosed within structure.

~~Park or playground (public), including recreation center; need not be enclosed within structure.~~

➤ Parks, pavilions or playgrounds (public or private) with no enclosed activity structures.

Sec. 106-219. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Bed and breakfast lodging, as defined. (Public hearing required.) The planning commission shall have the right to add additional limitations, such as but not limited to, parking requirements, landscaping, fencing and/or design review of proposed elevations by a state-licensed architect. Such architect shall be selected by the MPC and the expenses for said review shall be paid for by the applicant. Except for limitation No. 1, the planning commission shall have the right to waive any of the limitations upon such conditions as determined by the planning commission.

Limitation No. 1, regarding the business being conducted by a resident owner family may only be waived by the planning commission provided the owner of the bed and breakfast lodging owns a primary residence within 1,000 feet of the proposed bed and breakfast lodge.

Borrow pit; shall meet criteria established in section 106-1128. (Public hearing optional; however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

➤ Equestrian riding academy or course.

➤ Fairgrounds, stadiums, arenas, coliseums or sports fields (public or private).

Fire station.

➤ Golf clubs, country clubs, swim clubs or tennis clubs, including enclosed support facilities (public or private).

~~Golf driving range; need not be enclosed within structure.~~

Outdoor general advertising structure; need not be enclosed within structure; the planning commission may hold a public hearing and may notify property owners within 300 feet if they deem it necessary.

➤ Parks, pavilions, recreation centers or playgrounds (public or private, can include both indoor and outdoor components).

Sec. 106-220. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of division 1 of article II of this chapter governing special exceptions:

Airport; need not be enclosed within structure.

Airport and dusting service; need not be enclosed within structure.

Barber or beauty shop; limited to one operator with no assistants, one styling chair and one shampoo bowl. Scheduling shall be for one customer at a time only. All parking for customers and residents shall be located on the site.

Cemetery; need not be enclosed within structure.

Church, including parish house, community house, and educational buildings.

Correctional, detention, or penal institution.

Dwelling, secondary residential; whether it is a mobile home, garage apartment or granny flat, each secondary residential dwelling building site should have adequate square footage to permit each dwelling to meet the required setbacks, and at least 4,000 square feet per unit gross land area, plus direct access to both dwelling units from a public right-of-way. Service by municipal water and sewer lines will be an important consideration. No more than one secondary residential structure will be allowed on any lot. Neighborhood compatibility shall be the principal impact consideration.

Electric substation; need not be enclosed within structure but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons.

~~Firearms or archery training and practice range; need not be enclosed within structure.~~

Heliport.

Home occupation (not in compliance with two or more of the criteria in section 106-1124.

Kennels, boarding, not including animal hospital or veterinary clinic.

Nursery, day care or kindergarten for 7--15 people, when located within the operator's residence.

➤ Outdoor amusement parks, water parks or similar facilities (may include batting cages, rental go-cart tracks, driving ranges, miniature golf courses, etc. and indoor arcade components).

➤ Paintball center, firearms or archery training and practice range (including indoor facilities, outdoor facilities or facilities containing both indoor and outdoor components).

➤ Racetracks, motocross, ATV courses and rodeos.

~~Racetrack, including dragstrip, go-cart track, motorcycle or similar facility for motorized racing; need not be enclosed within structure.~~

Radio and television broadcasting transmitter, but not including studio.

~~Riding academy and/or rodeo; need not be enclosed within structure.~~

ONE-FAMILY RESIDENCE DISTRICTS: SUBURBAN, R-1A, R-1B, R-1C; URBAN, R-1D, R-1H

Sec. 106-238. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

Accessory use.

Art, sculpture, fountains, monuments, statues and/or other similar landscape features; need not be enclosed within a structure, must be in compliance with requirements of section 106-1181.

Dwelling, one-family.

➤ Fairgrounds, stadiums, arenas, coliseums or sports fields (public or private).

Farming and truck gardening; need not be enclosed within structure (no on-premises sales of items not produced at the site).

Garage sale, limited to periods from sunrise to sunset daily for no more than three consecutive calendar days duration and no more frequent than two such noncontinuous and separate periods during a calendar year for the same building site (municipal address), with a special permit issued by the zoning administrator; need not be enclosed within structure. See definition for additional restrictions.

Home occupation; must be in full compliance with criteria specified in section 106-1124.
Manufactured home; must be in full compliance with criteria specified in section 106-1126.
Modular home; must be in full compliance with criteria specified in section 106-1126.
Nameplate, not exceeding one square foot in area; need not be enclosed within structure.
~~Park or playground (public), including recreation center; need not be enclosed within structure.~~
➤ Parks, pavilions or playgrounds (public or private) with no enclosed activity structures.

Sec. 106-239. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located.

Bed and breakfast lodging, as defined. (Public hearing required.) The planning commission shall have the right to add additional limitations, such as but not limited to, parking requirements, landscaping, fencing and/or design review of proposed elevations by a state-licensed architect. Such architect shall be selected by the MPC and the expenses for said review shall be paid for by the applicant. Except for limitation No. 1, the planning commission shall have the right to waive any of the limitations upon such conditions as determined by the planning commission.

Limitation No. 1, regarding the business being conducted by a resident owner family may only be waived by the planning commission provided the owner of the bed and breakfast lodging owns a primary residence within 1,000 feet of the proposed bed and breakfast lodge.

Borrow pit; shall meet criteria established in section 106-1128. (Public hearing optional; however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

Fire station.

~~Golf course, but not including commercial miniature course or commercial driving range; need not be enclosed within structure.~~

B-1 BUFFER BUSINESS DISTRICTS

Sec. 106-619. Same--Uses requiring planning commission approval.

The uses permitted below are permitted upon approval of the land use and site design compatibility of proposed development plans. A scaled site plan is to be submitted for review, and a determination shall be made of the land use appropriateness at the given location and of the quality of site design to be developed. In making such a determination, the planning commission shall review the impact of the proposed development on surrounding properties and on the neighborhood, with respect to the capacity of the public street systems, the preservation of natural site features, the limitation of noise levels, the bulk and location of buildings and other site features, and the service benefit to the affected neighborhood (among other related compatibility considerations). The site plan may be conditioned so as to effect a positive transition to the surrounding neighborhood, and construction and use may not substantially deviate from the final approved plans and conditions.

All R-2 uses by right in accord with R-2 standards.

Bed and breakfast lodging, as defined. (Public hearing required.) The planning commission shall have the right to add additional limitations, such as but not limited to, parking requirements, landscaping, fencing and/or design review of proposed elevations by a state-licensed architect.

Such architect shall be selected by the MPC and the expenses for said review shall be paid for by the applicant. Except for limitation No. 1, the planning commission shall have the right to waive any of the limitations upon such conditions as determined by the planning commission.

Limitation No. 1, regarding the business being conducted by a resident owner family may only be waived by the planning commission provided the owner of the bed and breakfast lodging owns a primary residence within 1,000 feet of the proposed bed and breakfast lodge.

Borrow pit; shall meet criteria established in 106-1128. (Public hearing optional; however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

Educational, including business school, college, day care center, elementary or secondary school, kindergarten, nursery school, trade school, training center, university, and the like.

➤ Golf clubs, country clubs, swim clubs or tennis clubs, including enclosed support facilities (public or private).

~~Golf driving range; need not be enclosed within structure.~~

Light retail establishments with limited traffic generation, evidence of surrounding neighborhood service benefit or as an accessory service to office uses. Barber and beauty shops shall not be considered as light retail uses.

Medical and allied services, including hospital, laboratory and sanitarium.

Outdoor advertising structure in excess of 300 square feet (requires sign detail for consideration of use approval).

➤ Parks, pavilions, recreation centers or playgrounds (public or private, can include both indoor and outdoor components).

Public services, including government offices, libraries, museums, ~~outdoor parks and playgrounds~~, public ambulance services, fire stations, police stations, and post offices.

B-2 NEIGHBORHOOD BUSINESS DISTRICTS

Sec. 106-638. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

All uses listed as "Uses by right" in B-1 districts.

~~Amusements (excluding pool or billiard tables) commercial as an accessory use only. No more than three non-gaming machines or amusement devices shall be permitted on the premises.~~

Antique store.

Apparel and accessory store.

Appliance store.

Aquarium supplies and sales.

Artificial limb manufacture.

Auto parts store, retail; no installation, repair or rebuilding of parts is permitted on premises.

Automobile filling station, where the primary function is the retail sale of gasoline, oil, grease, tires, batteries and accessories, and where services are limited to installation of items sold, washing, polishing, and greasing; fuel pumps need not be enclosed within structure; pump islands shall be located at least 15 feet from the property line; canopies anchored or supported in pump island may extend to within five feet of the property line; canopies shall have a minimum height of ten feet above driveway.

Bakery, retail.

Barbershop or beauty shop.

Bicycle sales and repair.

Blueprinting and photostating.
Bookstore.
Business machines store or agency.
Camera and photographic supplies store.
Candy, nut, and confectionery store.
Commercial amusement accessory use; limited to three or less game machines or other amusement devices.
Dairy products sales.
Delicatessen.
Department store.
Drugstore.
Dry cleaning with nonflammable cleaning agents only; excluding the discharge of steam outside enclosed structure.
Dry goods store.
Electric substation; need not be enclosed within structure but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons.
Embossers, including printing from a standard office copier.
Film processing.
Fire station.
Fix-it shop.
Floor covering sales.
Floral shop.
Fruit store.
Fur sales, finishing and storage.
Furniture repair and upholstering.
Furniture store, retail.
Garden supplies store, handling packaged fertilizer and no other types of fertilizer.
Gift shop.
Grocery store, retail.
Hardware store, retail.
~~Health studio, athletic club.~~
Hobby supply store.
Hospital or sanitarium.
Ice cream store.
➤ Indoor commercial amusements (excluding pool or billiard tables) as an accessory use only. No more than three non-gaming machines or amusement devices shall be permitted on the premises.
Jewelry store, including repairing of jewelry, watches, and clocks.
Laboratory, dental or medical.
Laundry and/or dry cleaning pickup station.
Laundry, self-service only.
Lawnmower sales.
Leather and luggage store.
Library or reading room.
Loan or finance office, only those items which can be sold by any other use in this district can be displayed or stored on the premises, within an enclosed structure.

Locksmith.

~~Martial arts studio or school.~~

Music store.

Nursery, day care, or kindergarten.

Office equipment and supplies store.

Optician.

Outdoor general advertising structure, 300 square feet or less in area; need not be enclosed within structure.

Package and parcel pickup (not more than 3,000 square feet).

Paint and wallpaper store, retail.

Pet grooming facility; limited to the grooming of household pets and other small animals; no outside kennels or overnight boarding.

Photographic studio with processing.

Picture framing and/or mirror silvering.

Pipeline or electric transmission line; need not be enclosed within structure.

Post office.

Print shops.

Radio and television broadcasting studio, but not including transmitter.

Railroad right-of-way, but not including shops, yards, and team tracks; need not be enclosed within structure.

Recycling collection center.

Restaurant, where food and beverages are served and consumed only within the enclosed structure; outdoor dining areas, drive-in, drive-thru, delivery service operations, pick-up windows or other exterior service facilities are not permitted by right. (See section 106-639.)

School, elementary and/or secondary, meeting all requirements of the compulsory education laws of the state.

Seafood store, retail.

Shoe repair shop.

Shoe store, retail.

Sporting goods store, retail; excluding repair and testing of motors and outdoor boat display.

Studio for professional work or teaching of any form of fine arts, photography, music, drama, dance, but not including commercial gymnasium.

Telephone exchange, but not including administrative offices, shops or garages.

Theater.

Tire store, selling tires for vehicles with wheels not in excess of 17 inches in diameter unless a greater wheel diameter is approved by the planning commission.

Tobacco store.

Toy store.

Variety store (limited to the sale of items which may be sold by any other use in this district).

Video sales and rentals.

Water or sewage pumping station.

Water storage; need not be enclosed within structure.

~~YMCA, YWCA, and similar institutions.~~

Sec. 106-639. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the

board of appeals in accordance with the provisions of division 1 of article II of this chapter governing special exceptions:

~~Amusements (including pool or billiard tables) commercial as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.~~

Heliport.

➤ Indoor commercial amusements (including pool or billiard tables and arcades) as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.

Sec. 106-640. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and public protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located. In addition, the purpose of listing dwelling uses in this district is to allow a mix of residential uses in an otherwise commercial development. Projects which propose (new) residential development with no commercial construction must obtain the appropriate residential zoning classification and/or approval of a residential planned unit development if there are only limited commercial uses proposed. Borrow pit; shall meet criteria established in 106-1128. (Public hearing optional; however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

Car rental, limited to no more than ten vehicles.

Dwelling, multiple family.

Exterminator.

➤ Fairgrounds, stadiums, arenas, coliseums or sports fields (public or private).

➤ Golf clubs, country clubs, swim clubs or tennis clubs, including enclosed support facilities (public or private).

~~Golf driving range; need not be enclosed within structure.~~

➤ Health studio, athletic club, martial arts school or commercial gymnasium (public or private, with all components contained within an enclosed structure).

Landscape garden sales; need not be enclosed within structure.

Minor automotive repair, not including body repair, painting, upholstery, rebuilding or overhauling of engines or transmissions, wrecking, dismantling or salvage; a public hearing is required if the building site is within 300 feet of a residential or SPI-1 district, optional in other cases.

Mobile recycling unit/collection center.

➤ Parks, pavilions, recreation centers or playgrounds (public or private, can include both indoor and outdoor components).

B-2-A BUSINESS PARK DISTRICT

Sec. 106-658. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

Accessory use.

Art, sculpture, fountains, monuments, statues and/or other similar landscape features; need not be enclosed within a structure, must be in compliance with requirements of section 106-1181.

Clinic, dental or medical.

Contractor storage facilities provided the noise level is low, there are no outdoor activities or storage.

Educational facilities.

~~Health studio, athletic club, martial arts school or commercial gymnasium.~~

Sec. 106-659. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate due to limited noise and traffic generation:

Borrow pit; shall meet criteria established in section 106-1128 (Public hearing optional;

however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

Contractor storage facilities, need not be enclosed within structure subject to planning commission restriction of size, location and screening of outdoor areas.

➤ Fairgrounds, stadiums, arenas, coliseums or sports fields (public or private).

➤ Golf clubs, country clubs, swim clubs or tennis clubs, including enclosed support facilities (public or private).

➤ Health studio, athletic club, martial arts school or commercial gymnasium (public or private, with all components contained within an enclosed structure).

Light manufacturing use not to exceed 20,000 square feet per use.

Mobile recycling unit/collection center.

➤ Parks, pavilions, recreation centers or playgrounds (public or private, can include both indoor and outdoor components).

B-3 COMMUNITY BUSINESS DISTRICTS

Sec. 106-678. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

All uses listed as "Uses by right" in B-1, buffer business districts, and B-2, neighborhood business districts.

Air conditioning sales and service.

Ambulance service.

~~Amusements (excluding pool or billiard tables) commercial as an accessory use only. No more than three non-gaming machines or amusement devices shall be permitted on the premises.~~

Animal hospital or veterinary clinic provided no outside kennels are maintained on the premises.

Apartment--hotel.

Armory.

Auditorium.

Auto parts and accessories, including installation service and the retail sale of gasoline.

Auto upholstery shop; auto glass, including installation.

Automobile and truck sales, where the primary function is the retail sale of new and/or used automobiles and the retail sale of accessories, tires, and batteries is a secondary function only, where services are limited to installation of items sold, making body and mechanical repairs and adjustments, washing and polishing, including repainting automobiles; may not rebuild or overhaul engines, reupholster automobiles, recap tires, steam clean automobiles, or motors, or conduct dismantling; display and storage of automobiles need not be within enclosed structure.

Automobile filling station and/or service and repair, but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within structure provided the unenclosed part shall comply with the requirements for maintenance of offstreet parking facilities; pump islands shall be located at least 15 feet from the property line; canopies anchored or supported in pump island may extend to within five feet of the property line; canopies shall have a minimum height of ten feet above driveway.

Automobile laundry, where the primary function is washing automobiles, but not including trucks or trailers, and the retail sale of accessories, tires and batteries is a secondary function only, and where services are limited to installation of items sold; operations shall be conducted only within a completely enclosed structure, and all wastes shall be discharged directly into the sewer.

Automobile maintenance shops and/or garages but not including commercial wrecking, dismantling or auto salvage yard; must be enclosed within structure.

Beverage manufacture (not including alcoholic).

Bowling alley.

Building specialties store.

Business college.

Cabinet or carpenter shop.

City hall, police station, courthouse, federal building.

Crematory, only as an accessory use to a funeral home, mortuary or undertaking establishment.

Dairy equipment sales.

Drug compounding and manufacturing, with the building for such use not to exceed 15,000 square feet.

Dry cleaning with nonflammable cleaning agents only.

Electric repair shop.

Exterminators.

Feed store.

Food locker plant, renting only individual lockers for home customer storage of food; cutting and packaging of meats and game permitted but not including any slaughtering or eviscerating thereof.

Funeral home, mortuary, or undertaking establishment.

Fur dyeing, finishing and storage; no tanning.

Glass store.

➤ Health studio, athletic club, martial arts school or commercial gymnasium (public or private, with all components contained within an enclosed structure).

Sec. 106-679. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and public protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located. In addition, the purpose of listing dwelling uses in this district is to allow a mix of residential uses in an otherwise commercial development. Projects which propose (new) residential development with no commercial construction must obtain the appropriate residential zoning classification and/or approval of a residential planned unit development if there are only limited commercial uses proposed.

Alcoholic beverage, wholesale and warehousing.

Automobile storage (commercial); need not be enclosed within structure; operative vehicles only.

Bait store or sales (live bait); need not be enclosed within structure.

Borrow pit; shall meet criteria established in section 106-1128. (Public hearing optional; however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

Correctional, detention or penal facilities (public hearing required before the metropolitan planning commission and city council approval is also required).

Dancehall.

Dry cleaning with inflammable cleaning agents.

~~Fairgrounds, baseball park and stadium; need not be enclosed within structure.~~

➤ Fairgrounds, stadiums, arenas, coliseums or sports fields (public or private).

Farm equipment and supplies sales; need not be enclosed within structure.

Fortunetelling, palm reading.

➤ Golf clubs, country clubs, swim clubs or tennis clubs, including enclosed support facilities (public or private).

Landscape garden sales; need not be enclosed within structure.

Linen supply.

Lumber sales, retail; need not be enclosed within structure.

Material shaping and contouring; limited to abrasive water jet contouring or wire electrical discharge machining.

~~Miniature golf courses and golf driving range; need not be enclosed within structure.~~

Mobile homes, trailers and other portable buildings display, sales and service; need not be enclosed within structure.

Mobile recycling unit/collection center.

Open air market; need not be enclosed within a structure.

Pawn shop (public hearing required before the metropolitan planning commission and city council approval is also required).

Recycling service center with trailer/truck body.

~~Riding academy; need not be enclosed within structure.~~

Sec. 106-680. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of division 1 of article II of this chapter governing special exceptions:

~~Amusements (including pool or billiard tables) commercial as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.~~

Animal hospital or veterinary clinic with outside kennels.

~~Firearms or archery training and practice range.~~

Gambling or gaming establishment.

Heliport.

➤ Indoor commercial amusements (including pool or billiard tables and arcades) as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.

- Outdoor amusement parks, water parks or similar facilities (may include batting cages, rental go-cart tracks, driving ranges, miniature golf courses, etc. and indoor arcade components).
 - Paintball center, firearms or archery training and practice range (including indoor facilities, outdoor facilities or facilities containing both indoor and outdoor components).
- ~~Racetrack, including dragstrip, go-cart track, motorcycle or similar facility for motorized racing; need not be enclosed within structure.~~

B-4 CENTRAL BUSINESS DISTRICT

Sec. 106-698. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

Accessory use.

Air conditioning sales and service.

~~Amusements (excluding pool or billiard tables) commercial as an accessory use only. No more than three non-gaming machines or amusement devices shall be permitted on the premises.~~

Animal hospital or veterinary clinic provided no outside kennels are maintained on the premises.

Antique shop.

Apartment-hotel.

Apothecary.

Apparel and accessory store.

Appliance store.

Armory.

Art, sculpture, fountains, monuments, statues and/or other similar landscape features; need not be enclosed within a structure, must be in compliance with requirements of section 106-1181.

Art gallery or museum.

Artificial limb manufacture.

Auditorium.

Auto parts and accessories, including installation, service, and the retail sale of gasoline.

Automobile and truck laundry, including steam cleaning.

Automobile and truck maintenance shops and garages.

Automobile and truck sales and/or repair, but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within structure provided the unenclosed part shall comply with the requirements for maintenance of offstreet parking facilities, except the prohibition of sales.

Automobile filling station and/or service and repair, but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within structure provided the unenclosed part shall comply with the requirements for maintenance of offstreet parking facilities; pump islands shall be located at least 15 feet from the property line; canopies anchored or supported in pump island may extend to within five feet of the property line; canopies shall have a minimum height of ten feet above driveway.

Bakery, retail.

Bakery, wholesale.

Bank.

Barber and beauty supplies and equipment sales.

Barbershop or beauty shop.

Beverage manufacture (not including alcoholic).

Bicycle and/or lawnmower sales and repair.

Blueprinting and photostating.

Bookstore.
Bowling alley.
Brooms and brushes manufacture.
Building specialties store.
Business college.
Business machines store.
Cabinet or carpenter shop.
Camera and photographic supplies store.
Candy, nut, and confectionary store.
Canvas products manufacture.
Catering shop.
City hall, police station, court house, federal building.
Clinic, dental or medical.
Club or lodge, private.
Coffee roasting.
Cosmetics (compounding only).
Cosmetics studio.
Creamery.
Dairy equipment sales.
Dairy products sales.
Delicatessen.
Department store (limited to sale of items which may be sold by any other use permitted in this district).
Drug compounding and manufacturing.
Drugstore.
Dry cleaning.
Dry goods store.
Dry goods store, wholesale.
Dwelling, multifamily.
Dwelling, one-family.
Dwelling, one-family townhouse.
Dwelling, two-family.
Electric repair shop.
Electric substation; need not be enclosed within structure but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons.
Elevator maintenance and service.
Exterminators.
Feed store.
Fire station.
Fix-it shop.
Fixture sales.
Floor covering sales.
Floral shop.
Food locker plant, renting only individual lockers for home customers' storage of food; cutting and packaging of meats and game permitted, but not including any slaughtering or eviscerating thereof.

Food products, wholesale storage and sales.
Fruit and produce, wholesale.
Fruit store.
Fur dyeing, finishing and storage (no tanning).
Furniture repair and upholstering.
Furniture store, retail.
Garden supplies store, handling packaged fertilizer and no other types of fertilizer.
Gift shop.
Glass store.
Grocery store, retail.
~~Gymnasium, commercial.~~
Hardware store, retail.
Hardware, wholesale storage and sales.
Hatchery.
~~Health studio, athletic club.~~
➤ Health studio, athletic club, martial arts school or commercial gymnasium (public or private, with all components contained within an enclosed structure).
Heliport.
Hobby supply store.
Hotel, motel, tourist home, all for transient occupancy except that not more than one-third of the gross floor area may be used for apartments for permanent occupancy.
Ice cream manufacture.
Ice cream store.
➤ Indoor commercial amusements (excluding pool or billiard tables) as an accessory use only. No more than three non-gaming machines or amusement devices shall be permitted on the premises.
Interior decorating shop.
Jewelry store, including repairing of jewelry, watches, and clocks.
Laboratory.
Laboratory, dental or medical.
Laundry, linen supply, or diaper service.
Leather or luggage store.
Library or reading room.
Locksmith.
Machinery, tools, and construction equipment, sales and service.
Mail order house.
Marine store.
~~Martial arts studio or school.~~
Millinery manufacture.
Miniwarehouse, rental storage.
Motorcycle sales and service.
Music store.
Newsstand.
Novelty and souvenir manufacture.
Nursery, day care or kindergarten.
Office.

Office equipment and supplies, retail.
Optical goods, wholesale.
Optician.
Package and parcel pickup.
Paint and wallpaper store.
Painting and decorating contractor.
Paper supplies, wholesale.
Passenger depot, railway or bus.
Pawnshop and/or loan or finance office.
Pet store.
Photographic studio and/or processing.
Picture framing and/or mirror silvering.
Pipeline or electric transmission line, need not be enclosed within structure.
Plumbing shop.
Police station.
Post office.
Poultry (live) storage and/or dressing.
Printing, publishing, and allied industries.
Radio and television broadcasting, transmitters, and studios.
Radio and television store and repair shop.
Railroad facilities, except shops; need not be enclosed within structure.
Recycling collection center.
Recycling service center.
Restaurant, where food and beverages are served and consumed only within the enclosed structure or in accessory outdoor dining areas; other exterior service facilities, pick-up windows, drive-in, drive-thru or delivery service operations, are not permitted by right. (See section 106-700.)
Restaurant supplies sales.
Roominghouse and boardinghouse.
Rug cleaning.
Seafood store, retail.
Seed store.
Shoe repair shop.
Shoe store, retail.
Shoe store, wholesale.
Sign shop.
Sporting goods store, retail.
Sporting goods store, wholesale.
~~Studio for professional work or teaching of any form of fine arts, photography, music, drama, dance, but not including commercial gymnasium.~~
➤ Studio for professional work or teaching of any form of fine arts, photography, music, drama, or dance.
Surgical or dental supplies store.
Tailor shop.
Telephone exchange, but not including shops or garages.

Temporary uses, including commercial, cultural, industrial, recreational, religious, seasonal or community service events for a period not exceeding 15 days duration and no more frequent than two such periods during a calendar year for the same building site (municipal address), with a special permit issued by the zoning administrator; need not be enclosed within structure.

Theater.

Tile shop.

Tire store.

Tobacco store.

Tool and equipment rental (inside display only).

Toy store.

Used furniture, rummage shop.

Variety store (limited to the sale of items which may be sold by any other use in this district).

Vegetable store.

Venetian blind and metal awning fabrication and cleaning.

Video sales and rentals.

Vulcanizing shop.

Water distillation.

Water or sewage pumping station.

Water storage; need not be enclosed within structure.

Wholesale and warehousing.

~~YMCA, YWCA, and similar institutions.~~

Sec. 106-699. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Automobile storage (commercial); need not be enclosed within structure; operative vehicles only.

Correctional, detention or penal facilities (public hearing required before the metropolitan planning commission and city council approval is also required when the proposed use is in the city).

➤ Fairgrounds, stadiums, arenas, coliseums or sports fields (public or private).

Farm equipment and supplies sales; need not be enclosed within structure.

➤ Golf clubs, country clubs, swim clubs or tennis clubs, including enclosed support facilities (public or private).

Landscape garden sales; need not be enclosed within structure.

~~Miniature golf courses and golf driving range; need not be enclosed within structure.~~

Open air market; need not be enclosed within a structure.

➤ Parks, pavilions, recreation centers or playgrounds (public or private, can include both indoor and outdoor components).

Sec. 106-700. Same--Special exception use.

The uses listed below are subject to the same approval of location and site plan as uses requiring planning commission approval; in addition, this use is declared to possess such characteristics of unique or special form that it shall be considered an individual case and shall be subject to

approval of the board of appeals in accordance with the provisions of division 1 of article II of this chapter governing special exceptions:

~~Amusements (including pool or billiard tables) commercial as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.~~

Gambling or gaming establishment.

Hospitals.

➤ Indoor commercial amusements (including pool or billiard tables and arcades) as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.

I-1 LIGHT INDUSTRY DISTRICTS

Sec. 106-818. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

Accessory use.

Air conditioning sales and service.

Airport, including allied business and industrial uses involved in the maintenance, manufacture, repair, rental, sale, servicing, storage or testing of aircraft, aircraft parts and accessories or in the sale or provision of other goods and services incidental to a public airport; need not be enclosed within structure.

Animal hospital or veterinary clinic with outside kennels.

Armory.

Art, sculpture, fountains, monuments, statues and/or other similar landscape features; need not be enclosed within a structure, must be in compliance with requirements of section 106-1181.

Auto parts and accessories, including installation, service and the retail sale of gasoline.

Automobile and truck body repair.

Automobile and truck laundry, including steam cleaning.

Automobile and truck maintenance shops and garages.

Automobile and truck sales and/or repair but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed provided the unenclosed part shall comply with the requirements for maintenance of offstreet parking facilities.

Automobile filling station and/or service and repair, but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within structure, provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities; pump islands shall be located at least 15 feet from the property line; canopies anchored or supported in pump island may extend to within five feet of the property line; canopies shall have a minimum height of ten feet above driveway.

Automotive vehicle storage; inoperative vehicles must be enclosed within structure; operative vehicles need not be enclosed within structure.

Aviary; need not be enclosed within structure.

Bakery, wholesale.

Bank.

Barber and beauty supplies and equipment sales.

Battery manufacture.

Beverage manufacture (not including alcoholic).

Brooms and brushes manufacture.

Canvas products manufacture.

Carnival or circus; as a temporary use on permit issued by the zoning administrator, such permit to be good for a period not exceeding three days and renewal for not more than three such periods; need not be enclosed within structure.

Carting, express, crating, hauling and storage.

Clothing manufacture.

Coffee roasting.

Cold storage plant.

Contractors storage yard for vehicles, equipment, materials and/or supplies; need not be enclosed within structure.

Cosmetics (compounding only).

Creamery.

Dairy equipment sales.

Dog pound; need not be enclosed within structure.

Drug manufacture.

Dry cleaning.

Dry goods, wholesale.

Electric repair shop.

Electric substation; need not be enclosed within structure.

Electroplating.

Elevator maintenance and service.

Farm equipment and supplies sales; need not be enclosed within structure.

Farming and truck gardening; need not be enclosed within structure.

Feed store.

Fire station.

Fixture sales.

Food locker plant: renting only individual lockers for home customer storage of food; cutting and packaging of meats and game permitted, but not including any slaughtering or eviscerating thereof.

Food products manufacture.

Food products, wholesale storage and sales.

Foundry.

Freight depot, railway and/or truck.

Frozen food plant.

Fruit and produce, wholesale.

Furniture manufacturing.

Glass products manufacture (from glass stock).

Hardware manufacture.

Hardware, wholesale storage and sales.

Hatchery.

- Health studio, athletic club, martial arts school or commercial gymnasium (public or private, with all components contained within an enclosed structure).

Heliport.

Hosiery mill.

Ice cream manufacture.

- Indoor commercial amusements (excluding pool or billiard tables) as an accessory use only. No more than three non-gaming machines or amusement devices shall be permitted on the

premises.
Kennels, boarding.
Laboratory.
Laundry, linen supply, or diaper service.
Lumberyard and building materials; need not be enclosed within structure.
Machine shop.
Machinery, tools, and construction equipment, sales and service; need not be enclosed within structure.
Mail order house.
Manufacture of electronic and communication equipment.
Mattress manufacture and rebuilding.
Metal products fabrication.
Metal sharpening.
Millinery manufacture.
Millwork and similar wood products manufacture.
Ministorage, retail storage.
Mobile homes, trailers and other portable buildings display, sales and service; need not be enclosed within structure.
Mobile recycling unit/collection center.
Novelty and souvenir manufacture.
Office.
Office equipment and supplies manufacture.
Oil well supplies and machinery; need not be enclosed within structure.
Optical goods, wholesale.
Outdoor general advertising structure; need not be enclosed within structure.
Packing and gasket manufacture.
Painting and decorating contractor.
Paper or corrugated packaging products, warehousing, distribution and fabrication from containerboard rolls or corrugated sheet material.
Paper supplies, wholesale.
Passenger depot, railway or bus.
Pipe storage; need not be enclosed within structure.
Pipeline or electric transmission line; need not be enclosed within structure.
Plumbing shop.
Printing, publishing, and allied industries.
Radio and television broadcasting; transmitter and studio.
Railroad facilities, except shops; need not be enclosed within structure.
Recycling collection center.
Recycling service center.
Restaurant, including indoor and outdoor dining areas, drive-in, drive-thru, pick-up window, delivery service operations or other exterior service facilities.
Restaurant supplies sales.
Revival church (temporary); as a temporary use on permit issued by the zoning administrator, such permit to be good for a period not exceeding one week and renewal for not more than three such periods.
~~Riding academy; need not be enclosed within structure.~~

Sec. 106-819. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Borrow pit; shall meet criteria established in section 106-1128. (Public hearing optional; however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

Correctional, detention or penal facilities (public hearing required before the metropolitan planning commission and city council approval is also required when the proposed use is in the city.

Dwelling, one-family or mobile home.

~~Golf driving range; need not be enclosed within a structure.~~

Sec. 106-820. Same--Special exception uses.

The uses listed below are subject to the same approval of location and site plan as uses requiring planning commission approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of division 1 of article II of this chapter governing special exceptions:

Automotive vehicle storage; inoperative vehicles need not be enclosed within structure but must be enclosed within a fence not less than seven feet nor more than ten feet high and adequate to screen the area from public view; a chainlink or similar substantial fence will be permitted if screen planting adequate to obstruct view is provided.

Butane, and other liquefied petroleum gas products storage and sales.

Concrete and concrete products manufacture; need not be enclosed within a structure.

~~Firearms or archery training and practice range; need not be enclosed within structure.~~

Gambling or gaming establishment when operated as part of a truck stop that is in compliance with the Zoning Ordinance and other applicable codes.

➤ Indoor commercial amusements (including pool or billiard tables and arcades) as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.

➤ Outdoor amusement parks, water parks or similar facilities (may include batting cages, rental go-cart tracks, driving ranges, miniature golf courses, etc. and indoor arcade components).

➤ Paintball center, firearms or archery training and practice range (including indoor facilities, outdoor facilities or facilities containing both indoor and outdoor components).

~~Racetrack, including dragstrip, go-cart track, motorcycle or similar facility for motorized racing; need not be enclosed within structure.~~

➤ Racetracks, motocross, ATV courses and rodeos.

I-2 HEAVY INDUSTRY DISTRICTS

Sec. 106-839. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply,

waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Borrow pit; shall meet criteria established in section 106-1128. (Public hearing optional; however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

Correctional, detention or penal facilities (public hearing required before the metropolitan planning commission, and city council approval is also required when the proposed use is in the city).

Dwelling, one-family or mobile home.

~~Golf driving range; need not be enclosed within a structure.~~

Sec. 106-840. Same--Special exception uses.

The uses listed below are subject to the same approval of location and site plan as uses requiring planning commission approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of division 1 of article II of this chapter governing special exceptions:

Acid manufacture (hydrochloric, nitric, picric, sulphuric, sulphurous, carbolic).

Animal black, lampblack, or bone black manufacture.

Animal reduction.

Automotive vehicle storage; inoperative vehicles need not be enclosed within structure but must be enclosed within a fence not less than seven feet nor more than ten feet high and adequate to screen the area from public view; a chainlink or similar substantial fence will be permitted if screen planting adequate to obstruct view is provided.

Automotive vehicle wrecking, dismantling or salvage yard; need not be enclosed within structure but must be enclosed within a fence not less than seven feet nor more than ten feet high and adequate to screen the area from public view; a chainlink or similar substantial fence will be permitted if screen planting adequate to obstruct view is provided.

Bones, distillation.

Butane, and other liquefied petroleum gas products storage and sales.

Cement, lime, gypsum and plaster manufacture.

Clay and clay products manufacture; need not be enclosed within structure.

Explosives, fireworks and gunpowder manufacture and/or storage.

Fertilizers manufacture or processing.

~~Firearms or archery training and practice range; need not be enclosed within structure.~~

Gambling or gaming establishment when operated as part of a truck stop that is in compliance with the Zoning Ordinance and other applicable codes.

Garbage dumping, need not be enclosed within structure.

Glue, size, or gelatin manufacture.

➤ Indoor commercial amusements (including pool or billiard tables and arcades) as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.

Junkyard, including storage, baling or sale of rags, paper, iron, or junk; need not be enclosed within structure but must be enclosed with a fence not less than seven feet nor more than ten feet

high and adequate to screen the area from public view; a chainlink or similar substantial fence will be permitted if screen planting adequate to obstruct view is provided.

Matches manufacture.

Meat slaughtering and/or packing.

Metal ingots, pigs, castings, sheets, or bars manufacture.

➤ Outdoor amusement parks, water parks or similar facilities (may include batting cages, rental go-cart tracks, driving ranges, miniature golf courses, etc. and indoor arcade components).

➤ Paintball center, firearms or archery training and practice range (including indoor facilities, outdoor facilities or facilities containing both indoor and outdoor components).

Petroleum and petroleum products, manufacture, processing or storage.

~~Racetrack, including dragstrip, go-cart track, motorcycle or similar facility for motorized racing; need not be enclosed within structure.~~

➤ Racetracks, motocross, ATV courses and rodeos.

BE IT FUTHER ORDAINED if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

Amendment No. 1 to the September 12, 2006,

Amend the September 12, 2006 minutes relative to Ordinance No. 123 of 2006, as follows:

On Page 12B, Column 5, relative to Ordinance No. 123 of 2006, Delete the ordinance as advertised (the ordinance, before it was amended) and advertise the ordinance as amended (the amended ordinance is printed at the end of these published minutes)

Amendment No. 1 to Council Proceedings – September 26, 2006

Amendment No. 2 to Ordinance No. 153 of 2006

Delete section 26-171(a), and substitute the following:

(a) It is the policy of the city to compromise and settle only those claims against the city which, upon investigation, are determined to have legal merit indicating the city is liable to the plaintiff for not less than the amount paid. It is further the policy of the city not to pay interest on judgments of Louisiana courts.

UNFINISHED BUSINESS:

1. **Resolution No. 100 of 2006:** Authorizing the release of mortgages and cancellation of promissory notes executed by Shreveport Publishing Corporation (now Snap Property, LLC) in favor of the City of Shreveport in connection with the neighborhood improvement leveraging project and to otherwise provide with respect thereto.

(Introduced June 13, 2006 – Tabled August 8, 2006)

2. **Ordinance No. 93 of 2005:** Amending and reenacting Section 3.01 of Ordinance No. 96 of 1980 relative to exemptions and exclusions from sales and use taxes and to otherwise provide with respect thereto. (*Introduced – 6/14/05 - Tabled on July 12, 2005*)
3. **Ordinance No. 220 of 2005:** ZONING APPEAL C-95-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, to rezone property located on the Southwest corner of Cleveland and Jewella Avenues, from R-1D, Urban One-Family Residence District to B-3, Community Business District, and to otherwise provide with respect thereto. (F/Green) (*Introduced – Dec 27, 2005 – Tabled January 10, 2006*)

Councilman Green: Mr. Chairman, No.3, I'd like to take it off and vote on it today.

Having passed first reading on December 27, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Carmody to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

4. **BAC-59-06:** 4103 Santa Monica Circle, *Wyvornia Decarol Nunley*; Elmer & Wyvornia Nunley, East side of Santa Monica Circle, 300 feet south of Santa Monica; (Special Exception Use in an R-1D District [Expanded Home Occupation [Bridal Consultant])). (G/Jackson) (*Postponed September 12, 2006*)

Motion by Councilman Jackson, seconded by Councilman Green to uphold the decision of the ZBA.

Councilwoman Robertson: Is Mr. Hill still here? I understand that he's the president of the homeowners association. Okay, someone from the homeowners group that is opposing it, if they could - - - I've got a couple of questions.

Councilman Lester: Not everybody at once.

Councilman Hogan: Okay, Ms. Bowie.

Councilwoman Robertson: I just have a couple of questions. 1) Are there any - - - I know that mention was made about the UPS trucks coming in and making deliveries and all. Are there any other home businesses in the homes? Not detached buildings? In your area?

Ms. Bowie: Where? In the cul-de-sac or in the neighborhood?

Councilwoman Robertson: In your neighborhood?

Ms. Bowie: Yes, there are others that have home based businesses inside of their homes.

Councilwoman Robertson: Okay, in the covenant, it was stated that y'all did have covenants that said that there would be no home based businesses in detached?

Ms. Bowie: Our covenant states that there shall be no business. It should be deemed residential area. I have a copy of the covenant.

Councilwoman Robertson: Because if your covenants doesn't say that it can't be. It just says 'no home business'.

Ms. Bowie: Unless those there are at the time of the structuring, those that were exceptions or were deemed businesses, commercial, but at the time it was written, it says that this was strictly going to be residential, and the only exceptions would be those tracts that were

deemed commercial. It doesn't - - - it doesn't say exactly that like detached structures. We did not address it, it was written in 1977, and it specifically states it was supposed to be strictly for residential use, excepts for those tracts that had already been deemed commercial.

Councilwoman Robertson: Okay, but from your own admission, you do have businesses that are home based businesses that went through MPC and were given approval.

Ms. Bowie: It didn't go through MPC. No Ma'am. The home based businesses is automatic if they meet all the requirements.

Councilwoman Robertson: Okay, but what I'm saying is - - - is there, even though your covenants are saying that there are not supposed to be, but then there are people that have them?

Ms. Bowie: There are people that have home based businesses, yes. Inside their homes. Okay the covenant also mentions structure. You know one building. It specifies those kinds of things. So, by law.

Councilwoman Robertson: Okay, Ms. Phelps, did you have something extra to add to her

- - -

Ms. Phelps: Well, I would just like to say if it states that no businesses, but it does not state anything about home based businesses, because home based businesses do not have to have a special exception and variance. It states that we are a residential neighborhood. Single Family structured neighborhood. Okay home based business can reside in our neighborhood, because we have to - - - you don't have to get any special licenses or anything for that. But this is at their asking for a special exception, and you can have garages, but you can't run businesses from those buildings.

Councilwoman Robertson: Ms. Nunley, I have a question for you if you could step up please? Thank you. We were handed some information that was in support. Some of your neighbors that were in support, and there were some pictures attached. Is this the pictures of your current - - - of the building, and how it is, how you have the office, and how you have the storage?

Ms. Nunley: Right. That's the vision of it.

Councilwoman Robertson: Okay, and were you planning on any outside signage of any type or anything?

Ms. Nunley: No.

Councilwoman Robertson: So, no one would know that that's what it was if they just drove by and saw it?

Ms. Nunley: Exactly, and that was specified before I came to this, and during the Zoning Board decision. No signage under the guidelines of home based business would be followed in my dwelling as well as in the accessory building.

Councilwoman Robertson: Okay, and I believe that Mr. Hogan asked you that if this were not approved today, or that it was overturned, you would still continue your home based business in your home, you just wouldn't have your clients go out to the building?

Ms. Nunley: Correct.

Councilman Hogan: I have a couple of questions. This has been a tough decision really. I've listened to both sides, I drove out to the property this morning, and you know, I did Ms. Nunley, I know it's important to you, it's part of your livelihood, and that's no problem. I just wanted you to know that was something I felt like we all should have done because this is an important issue. By the same token, I've listened to the other side, and you know I applaud you for your entrepreneur spirit, you know that you have done this, you've obviously been successful, and I work out of my home too. I'm in real estate, and I have an office in my home. I

have my city license, just like the (inaudible). I guess again, it's been a tough decision is what how I was going to vote, but I believe that I'm satisfied with the current ordinance, which allows home based businesses, you know and when you take it outside of your home, I believe that just takes it to the next level. And I think we're really opening up to paving the way for future businesses. I mean how could we say no to a future business that wants to do a similar type of any other type of business that builds a building outside their home. You have a very nice area. I would compare it to neighborhoods in southeast Shreveport. They're what \$3-400,000 homes out there. I was very impressed. You have a very clean, very nice subdivision. But I just really in my mind, I can't in good conscious vote for it. But I just want you to know, I gave you every consideration. I've struggled with it, and I see your point. But I'm going to have to vote to overturn the decision of the ZBA.

Councilwoman Robertson: I've got another question, and Mr. Kirkland, you may be able to answer this. I know in the stipulations that there was no retail sales?

Mr. Kirkland: Yes.

Councilwoman Robertson: And there was a comment that was made earlier about drop shipments? Well, is that a purchase that's being made, would that be considered as a retail?

Mr. Kirkland: No. What that contemplates is there is no retail, like going into a shop and having a full display of merchandise for sale. Now Mrs. Nunley could have a catalogue and customers could come in working with her privately one on one, and order ten dresses for examples, bridesmaid dresses whatever. And that would not be a violation of the retail. It means they not have a store that's operating as a store with merchandise that people come in and buy shoes, dresses and everything else. But they could do catalogue. And that's what typically these type of operations (inaudible) to do these, they show them pictures, and they may have a sample of something, or here's what the shoes look like, or that sort of thing. But it's not like a what size shoe do you want to buy, and I've got them all here.

Councilwoman Robertson: Okay, and I noticed that the difference in the application as stated on our agenda is that the difference in this one and they mentioned that it's been two or three times that it's come before the Council, and it's been (inaudible), the difference would be no retail sales.

Mr. Kirkland: No, that's just one. Each of these is looked at exactly as is requested. And these - - - each one has stipulations that are conditioned from what they indicate as to how they're going to operate, and the Board tries to and the Staff tries to make sure that we've anticipated whatever problems - - - the whole idea of home businesses is to remain invisible. No signs, no apparent operation, no lot of cars being parked as customer based. So your next door neighbor should not be disturbed in their residential enjoyment, like in this case. And that's why the stipulations are typically tailored to that sort of condition based on each application.

Councilman Carmody: Just a very quick comment, and Mrs. Nunley, I think that you and I've talked in the past about the operation of your business, but and I appreciate what you're doing, and that you've been successful at it, and I applaud you and all that. But I think that the neighbors have been consistent in saying that their concern or that it sets a precedence in their neighborhood to allow the operation of the home based business in a detached structure. And I think that there is some concern that is valid there about what precedence that might very well set, and so I am going to vote to "NO" in support of the neighbors in the existing subdivision. Again, y'all do have a beautiful area of town that y'all live in, but I think that it's important that we try to make sure that the neighborhood remains residential in character, and as Mr. Kirkland said, home based businesses are meant to be invisible and basically inside the confines of the

home. And if your success has gotten to the point that you can no longer do it there, then I think that's a wonderful thing. It could be very well be time to look into a commercial area to locate your business into. Thank you.

Councilman Lester: Thank you Mr. Chairman, and I would agree with what almost word for word with what Councilman Carmody said. I mean this is an issue that has been before us, this is the second time, maybe even the third time that we've dealt with this, and as I appreciate it, and you know looking at it, I don't think anything has substantively changed. I voted against it previously, and my vote is going to remain the same. I have nothing against Mr. or Mrs. Nunley, I think they're nice folks, but I just think that when you're talking about a home based business, it is by definition invisible. When you move outside of those realms, then you're talking about stepping it up a level and getting into commercial type scenarios. And I don't think this is something that should be done, and certainly to open that gate, and to open that door, once you've opened, you can't ring the bell, so my vote is going to be what it has been in the past to be consistent, and in this case would be to overturn the decision of the Zoning Board.

Councilman Hogan: Mr. Thompson, I want to clarify, a "YES" vote would uphold the decision of the MPC, and give them approval. A "NO" vote would overturn, and therefore deny them - - - the ZBA I mean.

Mr. Thompson: I believe that's correct. Who made the motion?

Councilman Hogan: Councilman Jackson.

Motion to uphold the decision of the ZBA denied by the following vote: . Nays: Councilmen Lester, Carmody, Robertson, and Hogan. 4. Ayes: Councilmen Walford, Green, and Jackson. 3.

Ms. Glass: Mr. Chairman, normally the way we do this, since that motion failed, no motion has actually been made in adopting, so you usually make an opposite motion so that we have a vote.

Motion by Councilman Carmody, seconded by Councilman Lester to reverse the decision and deny the special exception and variance use. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, and Hogan. 5 Nays: Councilmen Green, and Jackson. 2.

5. **CASE NO: C-76-06: 3749 Jewella Avenue, APPLICANT: CASH AMERICA, INC. OF LOUISIANA. No ordinance required.**

Councilman Hogan: Mr. Thompson, are we going to hear No. 5?

Mr. Thompson: It can be heard today, and I believe the Mayor asked at the last meeting that it would be.

Councilman Jackson: Mr. Thompson, you tell me if I'm correct, but I want to move to deny or excuse me I guess we would be - - - (inaudible) it comes back to us, are we overturning the MPC decision?

Mr. Thompson: You can make any motion that you want on this one.

Councilman Jackson: Okay, I'd like Mr. Chairman, to deny this applicant in Case No. 76-06.

Mr. Thompson: It would be to overturn the decision of the ZBA and to deny the application.

Motion by Councilman Jackson, seconded by Councilman Green to overturn the decision of the ZBA and to deny the application.

Councilwoman Robertson: Okay, there is a stipulation that's added to it. So, will we vote on the stipulation like we do an amendment, or how does that work?

Ms. Glass: Mr. Chairman, the motion that is on the floor, the stipulation is not applicable. If there were a motion on the floor to approve it then, Mr. Carmody might want to make the motion with that stipulation, but it doesn't appear to be applicable to the motion brought forth.

Councilman Carmody: What I was - - - my discussion had been actually with the Chairman of the Weingarten Realty Group who had called about the status of trying to relocate the Cash America from its present location to - - - I guess 4012 Jewella? I want to make sure, but what I explained to him that my concern really had been that our community has been so concerned about proliferation of these type of business, and especially my experience having been the president of the Agurs Business Association was that Craig Kennedy was one of the truly believers that these type of business basically are predatory in nature, and I know that's probably not the type of operation that this particular business operates, but the perception is that it's more conducive to having persons finding an easy place to fence stolen items. And so when I explained that to him, I said, here is my concern in looking to support this. Is it the intent of Cash America to operate at their present location, and then slowly move to the new location, so that they can in turn sublease their location to another pawn shop operator, which would then give two pawn shops in that area, which I told them I did not think was the appropriate thing, and they said no, that that was not. And so, what I told them was I would offer a stipulation such that if an issuance of certificate of occupancy at 3749 Jewella to Cash America should be continued upon the receipt of written confirmations to MPC executive director to the owners of Cash America that their operations at 4012 Jewella, a nonconforming use at this location has been terminated, therefore you would only have this one business in that area, and not open the opportunity for a second pawn shop to be in that neighborhood. So, to answer your question Ms. Robertson, the motion on the floor by Councilman Jackson is to basically deny it all out. I am going to vote NO in the hope that I can offer this as a stipulation on it, and again I appreciate the fact that he feels like voting NO on it, and that's his prerogative, and this is his district. My was in the spirit of trying to offer something to make sure that we would not allowing additional pawn shop operators in that neighborhood.

Councilman Jackson: Thank you Mr. Chairman, this is again like the last case. This case again is in my district this time, I felt I better say something. But I would suggest to us that I put this on - - - I'm not mistaken, by putting it on and asking for it the way I did, I'd like to deny it is what my goal is, and what I would be interesting in doing. Now if the Council wants to entertain some other thing, I mean I guess I feel like Councilman Lester, when they - - - I guess I'm confused, because you just told me the people in my district matter, and the neighborhood matters, and now, you're suggesting to me that they don't. And I guess I'm confused on the side of the business on this one, and the people. So I guess my issue is mine has nothing to do with whether the proprietors of the empty building and whether or not they can make money off a new lease over there and expand the business. Mine is the same as it was the first time we came, and I might add the first time we defeated it 7-0. And that was that we would not proliferate, that if in fact, that there are other areas in the City of Shreveport and other districts and around the City where in fact they could do just that. Mine is not a position that I'm relenting from. That

was my position the first day, and that's my position today as it has been reintroduced and brought back to us again. Perhaps to you all, something has substantially changed from the last time we voted 7-0 on this to deny. To me, nothing has substantially changed at all. The same request, the same requestor, the same interest are involved this time. I simply ask for a No vote Mr. Chairman.

Mayor Hightower: Mr. Chairman, and I usually don't say much on these, but I do from a business perspective, have some concern about the vote whichever way it goes. I do think there has been one change in that this business wants to move from a building, and I'm not sure if they own it or if they lease it, I'm not real sure about the current location, but I know that the business location that they'll move to is owned by a long time national shopping center, for lack of a better term, operator that we've had good luck with in this city. And they've been I think diligent about who they bring, how they operate their businesses, and I'm not so sure that it doesn't offer us a better layer of protection than saying NO, and forcing them to stay in the property that they are in. And that property is not very good looking. And I think Councilman Jackson, that's probably part of what he doesn't like about them as well. So, I'm not sure that they do own it. But I think moving into the Weingarten facility - - -

Councilman Hogan: He's shaking his head. Mr. Higgins, you're shaking your head, you do not own the property currently?

Mr. Higgins: We do not own it, our lease expires at the end of December. Our obligation (inaudible) at the end of December.

Councilman Hogan: Alright, thank you.

Mayor Hightower: So, it's not a piece of property that at least from my viewpoint has been well taken care of. Either at the fault of Cash America or at the fault of the proprietor of the piece of property, and I would suspect that Cash America hadn't dumped any money into it because their lease was coming due and they had an opportunity to move to a nicer, better managed place. And I am concerned about the signal that we might send across the city, and across the country in this particular case, about our willingness to do business, and to upgrade the businesses that we have. Neither company is fly by night, by any means. They're both stock exchange companies, and I agree with what Councilman Jackson wants to do, and to stop the proliferation of pawn shops in that district or any other district as far as that goes. We probably do have enough, and I know that's joy to the ears of those pawn shop proprietors, thinking good, no more competition for us, but at the same time, I can't see us taking a step even further and essentially eliminating one, and now, there's only five instead of six. I mean, they're happy if we keep it at six or seven, or whatever the number is city wide, but for us to essentially go in and slam the door on pawn shop businesses, I just don't know that that sends the right signal.

Councilman Jackson: Mr. Chairman, I would suggest that the Mayor may have a different perspective on it if it were in his neighborhood. I would assume that the Mayor would be - - - I don't know, maybe he could tell us differently or anybody, and I don't mean to just target the Mayor, but if in fact it was going to be two blocks away from your neighborhood, do you think the people who live where you live would be down there protesting at all? And have a problem with it, you think, perhaps? I think they would. I think it'd be disingenuous to suggest that they'd be okay with it. But they don't have to face those kind of issues. And while we are sending a signal, you know, it may be a signal sent to people in other places. But what about the signal we send to the people who are here right now. Who are already here, who are working everyday, who are participating in this particular city, just as living as an enterprise if you will, not - - - they don't necessarily have to be business owners, but citizens who make up the City of

Shreveport. What signal do we send to them? And the people over there who say well, we don't want it. And we certainly don't want it moving, because as in many of the arguments, it moves from over here where it's kind of on an island to over here where it bunches up against this neighborhood right here, and so whether it's people just not desiring to have it, like we just talked about a second ago, people - - - what the - - - Councilman Carmody made a great point, he and Councilman Lester. It's a great idea, got a wonderful business, but the whole idea of NIMBY comes into play. Not in my back yard. When nobody's here to talk about the people in Queensborough, whose backyard this is, except me, and I would suggest to you all that, that's one of the reasons why sometimes we agree, we disagree. My constituents from West Shreveport and I had a different just a few minutes ago, on how we ought to approach that, because I thought we were talking about an invisible business type of scenario that was among neighbors. But I'm okay with the fact that Councilman Lester spoke with regard to that. But I'm telling you, we're not talking about ordering dresses, no UPS trucks, the same kind of UPS trucks that come to my house, go to that house. We're not talking about the scenario of an invisible business, no sign, nothing. We're not talking about a detached dwelling that's built in the same yard. We're talking about a pawn shop that's moving from where Burger King is on the other side of the street to over here near this grocery store is on the other side of the street which bunches against, again the neighborhood, that's right back there. I'm suggesting to you that I understand. But I don't believe that we make a decision on the side of a business owner from Dallas, TX versus making a decision for people who live right there in Queensborough who are going to be affected by it. And I'm suggesting if we want to be good business citizens, I'm sure over in District C, I'm sure over in that area somewhere near East Shreveport, there is room for that as well. I mean, if we can put a Krispy Kreme and we could put a Gumbo Gators, and everything else, put the pawn shop out there, but I betcha, that won't happen. And I'm suggesting to you that it may happen in Queensborough, but it won't be with my support. That we ought not do that and continue to proliferate that, and I'm suggesting again to this Council, that I've asked for a denial so that there won't be any gray areas, I don't have any stipulations, I don't have any contingencies if you do this, then we'll do - - - I'm suggesting that we flat out deny it, and that's my concern, and that's what I'd like to see us do for my district and for the people who live in my district, and who are concerned about this same shopping center, and these things. I mean Weingarten has been a good corporate citizen, I wish they could have found somebody better to be in that building. That's one of the ways they could be an even better corporate citizen for us, to fill the building with somebody else or something else that could serve as a benefit to that community, and not again, you know we could have different opinions and split hairs about whether or not we believe it's predatory, and whether or not it's something that's positive, but the real litmus test is try to put it somewhere else. That's a real litmus test. Try to put it in a highly commercial area, it's a commercial business, and that's the litmus test. Will it fly in somebody else's district? Will it fly somewhere else other than bunching up against the neighborhood, one of the neighborhoods that I represent.

Councilman Carmody: Mr. Kirkland, could I ask you to come forward, because again I appreciate where Councilman Jackson is coming from, and he's certainly adamant in his position, but was there opposition present to ask that there be a denial?

Mr. Kirkland: I don't recall there being opposition at either of the hearings.

Councilman Carmody: And again, it's not my district, and again I do know that pawn shops that are in District C that bad, worse, or indifferent, they're there. They're not businesses that I particularly patronize, but there are a lot of businesses here that - - - they just don't offer

me anything that draws me into the door, and so I certainly respect where the councilman is coming from. And I just wanted to make sure that I qualified whether or not there was opposition that had come and said we don't want this.

Mr. Kirkland: No, and as you know Councilman, that it's not a popularity contest. The Board, both boards, try to certainly listen to what the citizen have got to say, but whether there's opposition or not, many times, doesn't get reflected in how they vote.

Councilman Carmody: Right, and I understand that, but I mean a lot of times, I think that it does lend assistance to those of us that have to cast a vote to see whether or not the public has an interest in it, and sometimes I think the public gets to the point of looking at it to say, our voices don't matter at all.

Mr. Kirkland: Well, let me inject something into - - - look at your vicinity map on your computer screen on that. We don't notify people within a mile, it's usually within 500 feet, and that may well have been a fairly narrow circle of notification, but again, that's certainly a factor that you're bringing up, but I don't know that it means a whole lot one way or the other.

Councilman Carmody: No, but I mean a good bit of it does cover commercial area, the Fair Grounds, a school, this basically Fair Park across the street, the shopping center itself - - -

Mr. Kirkland: It's very commercial.

Councilman Carmody: Yeah, with the exception of Woodrow, Claiborne and Merwin and Oak Crest, you don't have any other residential areas that were contacted, but I had not heard from anybody and I appreciate where the Councilman is coming from, I just wanted to make sure we had clarification on that. Thank you sir.

Councilman Jackson: FYI Mr. Chairman, I'm here to represent them. I'm requesting a YES vote. The vote was to deny. And so a YES vote would say you do in fact support denying.

Motion to denied by the following vote: Nays: Councilmen Walford, Carmody, Hogan, and Green. 4. Ayes: Councilmen Lester, Robertson, and Jackson. 3.

Mr. Thompson: Mr. Chairman, again, you don't have a decision.

Councilman Jackson: I think Councilman Green voted NO to the idea, not in the spirit of my motion, and he's not here, so - - - but I'm certain of that.

Mr. Thompson: It's still not - - -

Councilman Jackson: If I'm suggesting it's correct vote, his would be YES, it would 4-3.

Councilman Lester: Hey, you can't assume.

Councilman Jackson: And I'm not asking for us to do it so, we move forward in whatever the rules of procedures may be, we can move forward.

Mr. Thompson: I mean, if he's not here, I think the only thing you could do would be to reconsider and disregard his vote, because he's not here now.

Councilman Jackson: I'm not on the prevailing side. I'd be on the prevailing side if - - - but no decision has been made at this point notwithstanding. It would still be 3-3.

Councilwoman Robertson: Motion to postpone?

Councilman Walford: No

Mr. Thompson: You could still make another motion Mr. Chairman.

Motion by Councilman Carmody, seconded by Councilman Hogan to uphold the decision of the ZBA with the stipulation, that the issuance of certificate of occupancy at 3749 Jewella Ave to Cash America should be contingent upon written confirmation to MPC

Executive Directors from the owners of Cash America that their operation at 4012 Jewella, a nonconforming use at this location has been terminated.

Mr. Thompson: Clarification Mr. Carmody. Does your motion also include any stipulation that the MPC put on it?

Councilman Carmody: Yes Mr. Thompson.

Councilman Jackson: Mr. Chairman, I'd like to urge my colleagues for a NO vote in this regard, and ask that we would vote NO, but I'm assuming that if you would in fact do it in your district, it's okay to vote YES as well, but I'd ask you to vote NO again on this that affects the people who live in District G, who live in Queensborough specifically, if that, and I hate to do this, but if that doesn't matter to you, do like the Mayor did yesterday. If that doesn't matter to you, then you can vote YES, but I'd like to ask you to vote NO because nobody in my district including me has agreed to these stipulations or is in support of this.

Councilman Hogan: I can say certainly that there is one pawn shop, and if they - - - they run a clean business. I've been in there, I've bought things from them before.

Councilman Jackson: We've got a lot more than one in my district.

Councilman Hogan: But - - -

Councilman Carmody: I'm missing a tool box.

Councilman Jackson: It's not about the business, it's about this district.

Councilman Hogan: Okay, I'm trying to respond to Councilman Jackson's comment.

Councilman Carmody: I'm sorry sir.

Councilman Hogan: But Discount Jewelry and Loan is the name of the pawn shop. If they wanted to switch locations in my district, I would vote for it. Now, I don't think they're going to want to do that, I haven't heard anything, I haven't seen an application from them. Mr. Kirkland, have they applied for a transfer? NO.

Councilman Jackson: They may tomorrow.

Councilman Hogan: They might, and if they can do within six weeks, they've got my vote. So anyway

Motion denied by the following vote: Ayes: Councilmen Walford, Carmody, Hogan, 3. Nays: Councilmen Lester, Robertson, and Jackson. 3. Out of the Chamber: Councilman Green. 1.

Motion by Councilman Jackson, seconded by Councilman Carmody to postpone until the next meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, and Jackson. 6. Nays: None. Out of the Chamber: Councilman Green. 1.

NEW BUSINESS:

ABO APPEAL

Mr. Muayad Jamhour, P.O. Box 8911, Bossier City, LA 71113 (*Airport Texaco, 5203 Monkhouse [F/Green]*) Decision Rendered Monday, October 9, 2006.

PROPERTY STANDARDS APPEAL

PSD500397 (2106 Mabel Street) Ms. Venius C. Winn, 4000 Velva Avenue, Shreveport, LA 71109 (G/Jackson) (Postponed October 9, 2006)

REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES: None.

CLERK'S REPORT:

THE COMMITTEE RISES AND REPORTS: (Reconvenes Regular Council Meeting)

ADJOURNMENT: There being no further business to come before the Council, the meeting adjourned at approximately 6:39 p.m.

//s// Jeffery A. Hogan, Chairman

//s// Arthur G. Thompson, Clerk of Council